Government doth to the renouncing of the old Obligations; which point of *Abdication* I am next to conſider whether it can ſatisfie our Conſciences, that the old Oaths ceaſe to bind, and that the new one may be righteouſly taken.

Let it not ſeem inſolent to debate that point of Deſertion which the Convention hath already determined; there is a ſtrong impulſe, and it can be but highly reaſonable to ſpeak of that wherein our Conſciences, Rights and Intereſts are ſo much and ſo nearly concerned; 'twas thought wiſdom to debate it in the Parliament-houſes, within whoſe walls perchance neither the word *Abdication* was ever heard of before, nor the thing argued there; and for which no legal Precedent can be (at leaſt hath not been) produced. Let it not now ſeem a breach of good manners to treat of that wherein our Religion and Intereſt is ſo much concern'd: For whatever deference is to be paid to the Aſſembly of the Nation, I do not, cannot rely on their deciſions ſo as to be infallible. Certainly many Aſſemblies have groſly erred, and ſhamefully miſcarried; five times was the Sentence of the *Spencers* in four Kings reigns enacted and repealed: in ſix months time King *Henry* the Sixth and *Edward* the Fourth were both voted Uſurpers, and rightfull Kings; and if the Wiſdom of a Nation (as a Parliament is called) ſhould be the Rule of a Man's Conſcience and Chriſtian Converſation, it muſt be ſaid, that they did very well who turn'd Papiſts, and renounc'd Proteſtaniſm in Queen *Mary*'s days, and ſubſcribed little leſs than Contradictions in her Father's; and they in foreign parts do well to continue Papiſts, Turks, and Heathens on the very ſame principle.

The White's grounds of Obedience and Government.

The firſt time, that (I remember) the word occurreth in the *Engliſh* Print, is in *White* the Popiſh Prieſt's book, wherein he treats of the Depoſing of Princes; and ſhews the meaning of the word in our days, and in the days of *Henry* the Third of *France*: many years before *White* wrote his book, the ſaid *Henry* is ſaid to abdicate without either quitting his Government or his Kingdom: from that *Romiſh* Prieſt and ſome of his brethren too many politick principles have been ſuck'd in by many of the *Engliſh* Nation; How ominous it is let others judge, I will not add any farther cenſure.

Depoſition and *Abdication* are two diſtinct terms, and of different ſignification in their ancient and modern uſage; the firſt is involuntary, the ſecond voluntary; but how to diſtinguiſh them in

King;

King *James*'s Caſe, I do not know, nor do I pretend to art enough for ſuch an undertaking, unleſs, by a diſpenſation from the Criticks, I may call a Depoſition an Abdication in the Kingdom, and an Abdication a Depoſition out of the Kingdom; *mutato nomine*, I know no other difference.

It would have been a great ſatisfaction to a great many perſons, if King *James* could have been proved to have laid down his Government, as really, as truly, and as formally, as the Emperor *Charles* the Fifth, or *Chriſtina* Queen of *Sueden* did, though he had left no better reſignation than *Richard* the Second, or *Edward* the Second, Kings of *England*, did ſign; but no ſuch Inſtrument was ever ſeen or heard of.

In the caſe of *Abdication* it is acknowledged by the learned *Grotius*, by others, and by the uſe of the word in Claſſick Authors, and by the practice of the thing, that (*Abdicatio*) Abdication doth import a free and ſpontaneous Ceſſion from the Government, without any juſt fears, fraudulent arts, or compulſary violence; when a King quits his Government with an intention, and full reſolution of quitting it, and totally abandoning it for ever, without any thoughts or reſerves of reſuming it: If ſuch a reſolution of King *James* at his departure could be proved, it would be equivalent, or tantamount to a ſolemn reſignation: But to argue as our Author doth, that King *James* by a voluntary withdrawing himſelf out of the Kingdom, receded fully from his Government, is neither truth *in facto*, nor truth *in jure*; neither ſound in the ſuppoſition, nor concluſive in the conſequence. Can it be found in our Law? (and, I hope, that muſt be our guide,) or was it ever heard from Hiſtory, or Records, that a King of *England*, by ſailing into *France*, loſt his Right to *England*? An excellent Topick for the *French* to plead, that he Abdicated *France* alſo by ſailing into *Ireland*. Whether King *James* withdrew willingly, or unwillingly, I cannot ſee any reaſon how it ſhould, or how it can affect his Right of Government, which doth not depend on his willingneſs, or unwillingneſs to go into *France*, but on the Gift of God, and the Laws of the Land.

Now if our Author could make out by thoſe Laws, that it is a total ſubverſion of our fundamental Conſtitution for a King of *England* to go into *France*, (voluntarily, or involuntarily,) and a forfeiture of all his regal Rights to ſail thither without the conſent of the People in general, or of a Convention in particular, he would have

have argued much better, and more pertinently, than now I can commend him for.

It is not pretended, that if King *James* withdrew unwillingly, that then his Government was at an end. I will therefore examine these two things:

1. Whither King *James* withdrew willingly, or unwillingly?
2. That, if he withdrew willingly, whether thereby his rightfull Power ceas'd?

1. The beſt way to clear the firſt, is to conſider the circumſtances of affairs, when King *James* went away, and his own ſenſe of things; of which, without doubt, he was able to give the beſt account. So long as the ſtate of things was peaceable and calm before the Landing of the Prince of *Orange*, we hear of no inclinations, or reſolutions to quit the Kingdom, and yet that had been the ſeaſon for ſo grand an affair of relinquiſhing his Government with a willing mind; nay, after the Landing of the *Dutch*, ſo long as his Army and Subjects ſeemed firm, his Intentions and Actions were in order to meet, and engage with the Prince, and not to fly the Kingdom: But when the Inſurrections, and the Prince's Forces encreas'd, and his Army decreas'd; when his Soldiers, who ate of his Bread, lifted up the heel againſt him; when his Children, his pretended Friends, his Servants and his Subjects forſook him; when his Affairs daily declined, and his Condition ſeem'd little leſs than deſperate, (and the event proved it ſo,) then 'twas that he reſolved on a departure, but in order to make *a better proviſion* for the management of affairs, and procuring his own re-ſettlement in his Throne, with the peace of his People, and a legal ſettlement of all things in the Government in all its due requiſites; the fears of danger, and the better hopes of ſafety, made him fly; and when he was gone, 'twas his deſire to return, and to meet his People in a free and legal Parliament, and to preſerve Liberties and Properties both in Church and State: For the proof whereof, I appeal to the King's own Letters to the *Earl of Feverſham*, and the Lords and others of the Privy Council, wherein the King gives an account of Himſelf, and the Reaſons of his departure; and who can pretend to know them better than himſelf? Who is beſt able to ſtate the Reaſons of the King's fears? the King, or our Author? or who is the beſt and proper Judge of them? and yet, if we believe the Author, he might have continued ſecure in his Palace, and *taken care of the Government*? Of what Government, I pray? of Page 14.

the Kingdom, that was diſſolv'd and ruin'd according to him; and how could he take care of that which was at an end, and not in being? Thus the Author impoſeth on his Reader, and a little forgets himſelf.

Page 14. He urgeth two Reaſons (ſuch as they are) to prove a voluntary Ceſſion; one is, becauſe the King was *actually on a Treaty with the Prince.* What then? doth an actual Treaty remove all fears and ſuſpicions from a King, and make him willing to do every thing that he is not inclined to, and, as our Author ſays, he had not reaſon to do? Doth a Garriſon willingly quit their Hold, which they think not tenable, when they in the interval of a Truce ſteal away, for fear they ſhould not find honourable terms and mercifull dealing on a fair ſurrender? His ſecond Reaſon is juſt of the ſame weight, and is no more, nor better, than this: the *Popiſh* Parties deſign was to perſuade King *James* to withdraw himſelf; therefore he withdrew willingly; there is need of the ſtrength and length of an hundred Cables to hold theſe things faſt together: How many things do Men with much averſeneſs perform, to which they are perſuaded by others? If the Popiſh Party thought the King in danger, (as the ſequel hath proved it a little too true,) and were as willing, as obliged, to preſerve him, they had reaſon to perſuade him to depart; and what he did out of fear of danger, can never be truly deemed a ſpontaneous action; nor doth the generality of men think it ſo; but if he willingly quitted the Realm, it doth not follow, that the Disbanding of the Army was a demonſtration of it; or that,

2. He willingly quitted and ſurrendred the Right of Government; if he went, as he was perſuaded by the *Roman Catholicks Letter,* (of which our Author gives an account,) that he might re-
Pag. 14, 15. turn, and, as it is phraſed, *have his ends of us,* in as bad a ſenſe, as others have had of him; 'tis a plain evidence, that he did not totally ſurrender and abandon the Government, becauſe he did intend to reſume it as ſoon as he could; and ſhall a Man be blamed for parting with that which he could not keep, though he was willing? and for returning to his State before he can, and is able? And ſhall this be thought a juſt and ſufficient Abrogation of our Oaths? And is this as formal a Reſignation as the Queen of *Sueden* made, who never pretended an unwillingneſs to reſign, nor a willingneſs to return to what ſhe had reſigned, ſince her retirement to *Rome*? both which are notorious to the World in the caſe of

King

King *James*; his Letters, Declarations, and other Overt-acts in *England*, *France*, and *Ireland*, plainly demonſtrate it, and of which no rational Man can doubt. Now if ſhe raiſed no Forces, nor imployed any Armies to continue in, or re-poſſeſs her Throne, as King *James* did, and doth; if her Reſignation was formal, ſolemn, and perpetual, without the reſerve and power of Revocation; and King *James*'s Diveſtiture was only *pro tempore*, (as our Author ſpeaks, and, for how long, he would have done well to have told the World,) their caſes are not parallel, nor is their Government equally at an end; the Author hath inſtanc'd in the ſimilitude, but 'tis much unequal in the application, as any one may perceive; ſhall then the ſtrength of the obligations of our Oaths depend on the disbanding of an Army, which could no longer be kept nor paid, and a departure of a King out of his Kingdom, where he thought he could not ſafely tarry. To which Caſes the Oaths in no wiſe referred when we took them; and ſcarce will there be found any one that took them in that ſenſe, which without a prophetick Spirit he could not certainly foreſee. Fidelity is not confined to one numerical place; a Subject may be guilty of Treaſon without the Kingdom as well as within, and it ought to be remembred, that we have recognized the King's Titles in all his Dominions, as 'tis in the old Oath of Allegiance, and to him in all of them Allegiance is due. Page 15.

How we were left (by the King's departure) *to a rabble and to a disbanded army let looſe upon us*, our Author, who hath ſaid it, is beſt able to declare his own meaning thereabout; as for the common disbanded Soldiers, they ſuffered more by their disbanding, than all the Kingdom from them; and if their caſe was examin'd, it will be found, that they ſuffered as many affronts and miſuſages, as an incogitant and furious rabble are wont to confer on perſons in the like circumſtances; fewer really feared them than they were afraid of, and many of them did ſcarce know whither to fly for ſuccour or ſhelter; there was indeed a great conſternation upon a bruit of the *Iriſh* Soldiers burning Towns and Villages, and moſt of the Fires that happened afterwards were generally imputed to mercenary and deſperate *Iriſh*, but all was noiſe and ſham, the hurt was none, the fears and frights were all. Ibid.

But why he ſhould aggravate the Deſertion by being left unto the rabble is not eaſie to divine, ſince the rabble was celebrated from a publick place by ſomebody (as 'tis ſaid, and perchance

not unknown to our Author) for what they had done.

If Queen *Christina*'s Resignation and King *James*'s Cession be compared, I must comply with the Author's saying, that our condition (and the consequence) is far worse than that of *Swedland*; for their Peace and the Laws continued without any alteration or interruption, but we are involved in an unnatural, bloudy and expensive War, and God onely knows what bitterness, effusion of bloud and ruine will be in the end. I wish we may not lose those things, which by ways, not very justifiable, we have sought to defend.

We find no Law nor Precedent alledged by our Author to justifie his stated Dereliction; but many Kings have withdrawn out of this Realm, and were not concluded to abdicate the Government, or their Right thereto. *William Rufus* went out of the Kingdom, and left no Commission for a Vicegerent; *Edward* the Fourth withdrew, when the Earl of *Warwick* appeared too strong against him; *Charles* the First fled into the Isle of *Wight*; and what is it that makes a difference between a withdrawing thither, or into *France* or *Ireland*? *Charles* the Second fled from *Worcester* Fight into (the same) *France*, and yet they were never thought to abdicate the Kingdom: If you say *Charles* the First went into his own Territories, I think none will say, that King *James* went out of all his when he went into *France*; for if that was not his rightfull Territory, the Convention can tell why they bestowed the Title thereof on King *William*. Neither do I find it agreed, where the *Epocha* of the Abdication is to be fix'd; if on King *James* his first departure, 'tis answered, he withdrew no farther than the *Kentish* shoar, which belongs to the *English* dominion; and after this he was treated and owned as a King, sate in Counsel, and in a Royal manner signed an Act of Counsel, as 'tis publickly confess'd. If the *Æra* be plac'd on his second departure, it may be ask'd, Did King *James* willingly consent to the change of his Guards? Did he willingly condescend to be hurried out of *White-hall* by a midnight Order? his Strength and his Forts were seized, and his Revenues employed for another's use, and the best thing that was left him, was an opportunity of saving himself by departing from that People, who in a surprizing manner had first left him, and left him nothing, but his Person, to secure; which desolate and forlorn condition called to his remembrance the fatal example of his martyr'd Father, and his too true an observation, *That the Prisons of Princes*

Princes and their Graves are not far distant, as K. *James* writes in his Letter to the Lords of the Privy Council.

Let none be so furiously rigorous as to say, he took no care for the Government before he went; if we impartially weigh all his circumstances, and the circumstances of that distracted time, what could be well expected more, than what he did? He left the Commissions of Peace, and the *Militia*, as well as Regal Commissions could make them? He left a Lord Chancellor, [I dispute not here for his goodness, but his authority] but he was imprison'd; he left authorized Judges, but they were not permitted to act; and he sent a Letter to the Privy Council to take care of the Kingdom till his return; this was such an effectual Deputation, that if our Authour could have produced as plain a Resignation from him, the Cause would have been irrefragably gained, loudly proclaim'd, and a Triumph assuredly appointed.

But if none of these things had been done in *England* by King *James*, what was possible more to be done for *Ireland* than K. *J.* did, or that Kingdom could in all respects desire? considering what has happened; unless it was, that he left a Popish Deputy, and a Popish Army; if nothing else could be said, the event must necessarily commend the wisedom (though not the legality) of that practice; for thereby he hath secured something of his just Right, and preserved a part of that Kingdom to himself, and thereby the greater hopes of regaining something that he had lost.

'Tis granted by our Author, that if King *James* departed willingly, he had notwithstanding *animum revertendi*, which shews most plainly, that it was not a total Dereliction, nor that he resolv'd to *govern no longer*, as the Letter hath affirmed; from which Supposition of a willingness to return, he makes many barbarous Inferences on K. *J.* his intention to come with *borrowed Forces from France* to destroy the Protestant Religion, and the Civil Constitution: This shews rather the rancor of his mind against K. *J.* his Person, than a sincere aim at Truth, to ascertain this Argument; he sets up a deformed mark, and then shoots at rovers, to beat it down; if unkind jealousies and feigned suppositions were good proofs, it was easie to exhibit a large scroll, that would not tend to our Authors satisfaction, nor the delight and honour of the times. Page 17. Ibid.

He tells us (*pag.* 9.) *He was not willing to aggravate the crimes of Princes*: To recompense this tenderness to crowned Heads, he in- Page 9.

vents

vents those faults which he will not aggravate, and in civility creates a guilt, which, in truth, he could not severely chastise. As for borrowed Forces, whence could King *James* have them, but from *France*? and why should not a borrowing thence be as good, and as lawfull to regain his undeniable Right, as for some of his Subjects to borrow Foreign Forces to drive him from his Kingdom, and keep him from his Throne.

Our Author tells us, that it *signifies nothing* to the dereliction, whether *King* James *intended to return, or not.* Truly, in my poor opinion, it signifies, that he was willing to continue to govern, and therefore did not willingly cease to govern: But by the Cession was King *James*'s Government at an end? and could not the Constitution subsist in such a case? Well! then it seems the Government was not at an end by the King's *subverting Dispensations*, as the Letter said before; but if it was at an end by the Dispensing Power, then the Constitution might subsist in such a case for three months longer, as well as for three years before; and that the Government (in respect of King *James* as Governor) did not cease by his departure, I appeal to the sense and practice of the generality of the Kingdom to confirm it, who by their constant Prayers owned him as supreme and rightfull Governor, untill the Convention met, and for some days after that time also; and very few thought otherwise of him, whatsoever some intended to attempt against him by some new-fashion'd charming expressions, and innovation-words. Many did not think what would be done; some thought that impossible, which was afterwards done; and many were surprized at the opening of the design, and more were amazed to consider what was done, after the Abdication-Vote was enacted.

Our Author, in his super-abundant zeal to his Cause, doth positively affirm, that *King* James *at his Cession made no provision for the Government*; for the disproof of this, I refer the Reader to what I have already said; and if he did make provision, (such as he was able, and none can require more,) then, by the Author's concession, his Government was not at an end: He needed not to have put the case, Whether a Nation ought to continue without a Government, till the Governor thinks of returning; for King *James* was as willing to return, if he could, as others were willing to prevent him, and industriously contrived to keep him out, when he was gone: And did he not send a Letter to the Convention about it? whether they would peruse the Letter, or not, disproves

not

not his willingneſs to return; but the refuſal declares theirs, that he ſhould not: His willingneſs to leave us for ten years, is far leſs tolerable, than to abſent for two or three months, let our Author ſay what he will.

To ſuppoſe that a Prince ſhould be willing to leave his Kingdom for ten years, without taking care for the Government, is ſuch a groſs imagination, ſuch a piece of Knight-errantry, ſo diſagreeable to common ſenſe and reaſon, of which certainly Kings have a ſhare, that for common civility to a crowned Head, and for the honour of our Nation, we ſhould wave ſuch ungentile and unaccountable ſurmiſes, eſpecially when the King's actions evidently confute them.

If the Kingdom had prepared for his return on a firm ſettlement of affairs, on the juſt and laſting foundations of Law and Equity, Conſcience and Religion, our Reputation might have been better provided for than now it ſeems to be, and the leſs ſcandal would have been taken againſt our Principles, Profeſſions, and Practices; our Peace would have been ſecur'd, and a much better proſpect of Happineſs, than at preſent many can pretend to.

To conclude this Head of diſcourſe: If King *James* hath not quitted the Right of Government, then he hath not quitted the Right to the Obligation of the Oaths: If he is willing to govern, I cannot ſincerely think but that he is willing my Bond of Allegiance ſhould continue; and if he hath not releas'd me from it, I firmly believe, no humane power can. I am not bound, without ſufficient proof, to believe what our Author doth; nor is his bare perſuaſion the proper foundation of another Man's judgment: He believes the King withdrew willingly; and therefore, he thinks, he may lawfully take the New Oath: Another is perſuaded, that the King went away involuntarily; and therefore according to our Author's, and others conceſſion, he ought not to ſwear. But whatever the Author's aim may ſincerely be, certainly he never intended that any one Man ſhould believe all his Letter: For if King *James* receded voluntarily from his Government, as he ſaith, and any one can and doth believe it, the ſame Man cannot believe that he went away involuntarily, through the force of a Conqueſt, (as the Author affirms alſo,) which is next to be conſider'd. Page 18.

Of

Of CONQUEST.

CONqueſt ſuppoſeth a War; and all Wars are either offenſive or defenſive: but to which of theſe to reduce the War on which the pretended Conqueſt is grounded, I cannot eaſily determine, conſidering ſome things and ſome ſayings.

A Man would think that the Invaſion ſhould make the War offenſive: but to this I dare not aſſent, becauſe the *Prince* of *Orange* in his Declaration ſaith, he *came over to defend himſelf*; and declares in the *Dutch* Abſtract, that he *came not with Intention to invade*. Now I can't think, that to defend, is to offend any more, than an offenſive and defenſive War to be the ſame.

Neither do I know how to call it a defenſive War, ſince none of King *James*'s Forces invaded the Prince's Territories, nor any of his Allies, nor threatned nor annoyed in an hoſtile manner him, his Subjects, or his affairs; but all King *James*'s endeavours were to defend his own Poſſeſſions, not to drive the *Prince* of *Orange* out of his. King *James* complain'd of no injuries from the *Prince*, required no reparations, nor threatned, nor declared any War.

The *Dutch*, though in Alliance with King *James*, and knew the deſign of the *Prince* of *Orange*, and lent him Forces, and conceal'd and (as ſome ſay) diſown'd the deſign when by King *James*'s Miniſter preſſed about the Preparations; yet never pretended any fears or troubles, or War from King *James*: I can't comprehend how it ſhould be a Defenſive War, where was no actual Enemy, or pretended Adverſary to defend themſelves againſt: there can be no defence by force, where there is none with force to aſſault.

But though we are at a ſtand, what Additional Title to beſtow on the *Prince*'s Enterprize; Certain it is, that the bloody and miſerable effects of it will enforce us now to call it a War; though we can't call the ſucceſs of the Attempt in all its premiſes, ingredients, and concomitants, either a proper Conqueſt, or ſuch an one as can free us from the Bond of Allegience, which we have ſworn to King *James*, and his *Heirs*, and *Lawfull Succeſſors*.

We cannot acknowledge it a Conqueſt, for the enſuing Reaſons, Inſtances, or Matters of fact.

1. It appears in the *Abſtract of the Dutch Reſolutions*, wherein the *Prince* of *Orange* declares, That *in his going over into* England, it

it was not the leaſt inſight or intentions to invade or ſubdue that Kingdom, or remove the King from his Throne, much leſs to make himſelf Maſter thereof, or to invert or prejudice the lawfull Succeſſion. To ſubdue and conquer, I take leave to think the ſame: and to make a Conqueſt without an Intention of ſubduing, I think it to be ſuch a lucky chance, that was never heard of before; and if ſomething had not happened ſince, a Man of reaſon might have doubted of it, becauſe of its rarity, as well as unlikelihood.

2. The *Prince* in his *Declaration*, and in the *Additional*, and in his *Letter to the Engliſh Army*, ſaith, *He came to defend and ſecure the Settlement of Religion, Liberties and Properties*; that they who thought otherwiſe, *had hard thoughts of him*; he calls a *Conqueſt a wicked attempt, a wicked deſign*, and appeals to the *Engliſh Nobility* and *Gentry* that accompanied him, *to cover him from all ſuch malicious Inſinuations of thoſe that gave out he came to conquer the Nations.* He then (though it be our Author himſelf, for I can't help him out of the Condemnation) who aſſerts the *Prince* came to make a Conqueſt, is guilty of malicious Inſinuations againſt King *William*; and if a King condemns a Man for Lying, who ſhall dare to contradict him? If the Author pleads a Conqueſt, then he makes the Prince of *Orange guilty of wicked deſigns and attempts:* and this is to be as civil to the preſent King, as he was *true* and *faithfull* to the former. If he thinks to evade this by his fine diſtinction of a Conqueſt of the King, and not of the Kingdom; the vanity of that diſtinction ſhall be expos'd, before I part with the Subject of Conqueſt.

3. The third reaſon for which we can't take it for a Conqueſt, and ſo not take the Oath on that foundation, is gather'd from the proceedings of the Convention in the Inſtrument of Government, and their Act of Settlement, wherein Conqueſt is not ſo much as mention'd; which is ſomething leſs than a bare waving of that Title: but they inſiſt upon the point of Abdication, upon which they found their Votes of vacating the Throne, and on the account of both transfer the Crown on King *William* and Queen *Mary:* Accordingly King *William thankfully accepts what they offer'd.* Now to Vindicate the preſent Settlement, (as the Author of the *Letter* doth,) and to contradict the very foundation-work thereof; what is it, but to remove his very Baſis, and alter his Corner-ſtone, and an intimation of no great deference of honour to thoſe, who are call'd the Wiſdom of the Nation? Neither is it very comprehenſi-

ble, how the *Prince* of *Orange* could *thankfully receive* that as a gift, which was his own before by right of Conqueſt, and the title of Poſſeſſion; for if it was his by the *right* of Conqueſt, the Convention had no right to give it: and if the Crown was a deed of gift and by the Election of the Convention he was made and declared to be King, and by the acceptance own'd it to be their Gift, (or Offer, call it which you pleaſe,) then he had it not by Conqueſt. If it be ſaid, that he remitted his pretence of Conqueſt, and relied on the Donation of the People: then his Plea of Conqueſt falls, and neither the Old Oaths ceaſe, nor the New one to be admitted on that conſideration. For ſince by the conſent of all, the Oath is to be taken in the Impoſer's ſenſe, and founded on their own grounds; and ſince by their own Overt-acts they have diſclaimed Conqueſt, it can be no ſecurity to a Conſcientious man to renounce his former Oaths on that conſideration.

4. We cannot acknowledge it a proper Conqueſt of a Foreign Prince; but are verily perſuaded, it was a down right Rebellion of the Subjects at home: For though the Prince of *Orange* was a Foreign Prince, and independent of the Crown of *England*, and thereby could not incur the guilt of a proper Rebellion: yet 'tis to be obſerved he invaded the Kingdom, not as a principal Aggreſſor; but as an Aſſiſtant, brought his Auxiliary Forces to help the *Engliſh* Subjects againſt their Natural Leige Lord and Sovereign, and to maintain their Religion, Laws, and Liberties; to the doing of which, the Prince of *Orange* in his *Declaration* expreſly ſaith, That he was *invited by the Lords Spiritual and Temporal, Gentlemen, and other Subjects*; and more plainly in his *Speech* to the *Gentlemen* of *Somerſetſhire* and *Dorſetſhire*, *Nov.* 15.–88. he ſaith, [*You ſee we are come, according to your Invitation, and our Promiſe*, &c.] 'Tis evident then, that he was invited, and at the Inſtance of the *Engliſh* Subjects he invaded *England* to free them from what they loudly complain'd of. And in the *Declaration* the *Prince* ſays, *He could not excuſe himſelf from eſpouſing the Intereſt of the* Engliſh *Nation*. Indeed the *Prince* tells thoſe Countrey Gentlemen, that *he wanted not their Military aſſiſtance ſo much as their Countenance and Preſence*; but withall he publiſhes in his *Additional Declaration*, That the *Forces which he brought along with him, were diſproportioned to that wicked deſign of conquering the Nation*. And certainly how zealous ſoever the *Engliſh* Nation ſeem'd for their Religion, Laws, Liberty and Properties againſt the late Illegal Uſurpations; yet they enter'd into

no

no Conſpiracy, nor Combination to conquer, nor dethrone their King; nor talked of any Conqueſt, or vacating, before King *James* had (in their expreſſion) Abdicated the Government: neither would the *Engliſh* endure the Expreſſion of a Conqueſt, if the *Dutch* Soldiers would have dared to term it ſo: And Dr. *Burnet*, in his Sermon before the Prince of *Orange*, *Dec.* 23. 1688. hath theſe words; [*Our Deliverer—came, deteſting the Imputation of Conqueſt that was caſt upon him.*] To all this it may be added, That after the pretended Conqueſt King *James* was own'd to be our King, Lord, and Sovereign in all Churches, and in St. *James*'s Chapel too. So that a Conqueſt is no more reconcileable to the publick acts and honour of this Nation, than to the *Practices* and *Declarations* of the Prince of *Orange*. And after all our Author acknowledgeth, that the *Prince's buſineſs was not to conquer here*, but to preſerve his and his Princeſs's right, and the Government in Church and State: And might not this be done without a War, or a Conqueſt? But it ſeems it was our Author's buſineſs to make a Conqueſt, which was not the *Prince*'s deſign nor buſineſs; and by his Aſſertions to create a greater Victory than the *Prince*'s Arms pretended to. Page 21.

5. The fifth reaſon is taken from the uſual acceptation of a Conqueſt, which cannot properly be ſo ſtyled, ſo long as there is a Conteſtation for the Throne, and an actual War between the Competitors of the Crown: And this is evident from the State of *Ireland*, and not a little from *Scotland*. The ſubduing of one Province, and of one Kingdom, entitles not the Conqueror to all the reſt: And if King *James* was conquer'd in *England*, it follows not as yet, neither *in facto* nor *jure*, that he is totally vanquiſhed in *Ireland*. That is a fair Conqueſt, when the Conqueror is peaceably ſecured in the Government, and the conquered incapacitated to make any probable, or hopefull attempt for a recovery.

If it be objected, that this affects not an *Engliſh* Man, in reſpect of the Conqueſt, or in relation to his Oaths: I anſwer, it doth very much; for he ſwore Allegiance to King *James*'s *Right in all his Dominions and Countries*, and *Ireland* is in that number: And he that ſwears to King *William*, ſwears to him as made, and declared King; and that is of *Ireland*, as well as of *England*; and the Proclamation, and the War, and Taxes import no leſs.

To ſalve all which, and much more that might be ſaid, our Author has a ſuperfine diſtinction, and refined Evaſion of conquering

the King, but not the Kingdom; than which, neither the *Schoolmen*, nor the *Jesuits* ever invented a more nice decision. But being more curiously subtle, than truly solid, it may perchance, to serve a turn, please a Logical Disputant; but will never weigh much in the present Case of Conscience, which is of so vast a concern.

1. If the Kingdom is not conquer'd with the King, then the People have not lost their Rights, though King *James* did his: And then why should the Oath be enforced on the consideration of Conquest, whereby the Conqueror gains no Right over the People, nor the People lose any Right by the Conquest? If he gained any Right over the People by the Conquest of the King, then the People are conquer'd: or else how came he by that Right? If he hath no Right to the Service and Duty of the former King's Subjects, then it is unrighteous to impose that to which he hath no Right. If it be replied, that the Representatives (let them be as legal, as in truth they ought to be,) gave the Rights of the Crown to the present King; the Question will recur, How came they to be Masters of those Royal Rights? how came they to be Legal Proprietors of those Rights, which they had sworn to be invested in some body else? The Oath of Allegiance is the King's Right, and so saith the Law. If then the Right was in them, (and except it was, I don't know how they could transfer it,) they might have continued it in, and to themselves for ever: and then what advantage would have accrued to King *William* by the Victory of a single King? But if it be demanded how the Representatives came by this Royal Right, it must be answer'd by one of these two ways, (for I can't think of any other in the present case,) either by Conquest, or by a Demise: not by Conquest, for to this the Representatives pretend not for themselves; 'twas false if they did; and if 'twas true, then the Conquest was theirs, and not King *William*'s: if by a Demise, then the Allegation of Conquest falls to the ground.

2. If the King was conquer'd, and not the Nation; the Enquiry will deserve a satisfactory answer, of what the King was conquer'd, and what he lost by the Conquest: Certainly it must be said of his Kingdom, and this I take to comprehend the People as well as the *terra firma*: without those a Kingdom cannot be; and without this, at least the Right to it, (*nec nomen Regis constabit*,) the Title of a King can't subsist. Will our Author adventure to say, that

that King *James*'s Right to the Kingdom continues? If he doth, this will effectually anſwer and ſpoil all his Book: Or that King *James* was conquer'd from the Kingdom, and not the Kingdom from him? Why then it continues his ſtill; and I heartily wiſh our Author may never be forced to the Experiment of diſtinguiſhing of being taken from his Eſtate, and his Eſtate being taken from him: And I aſſure the Reader hereby, that I don't pretend to that ſagacity of knowing the great difference between loſing my Money by being robbed, and by being robbed to loſe the Money.

3. Were the *Dutch* Soldiers like the *Syrian* Captains, to fight neither with ſmall nor great, but only with the King? Were there no Papiſts, nor Evil Counſellors to be ſubdued? Againſt *theſe* King *William* came. Were there no Skirmiſhes, no Soldiers ſlain? Did none fly from King *James* to King *William*? And did none of the People ſubmit? A flight and ſubmiſſion gives a Victory, as well as a battle and a ſlaughter in the Field. A Fortreſs is overcome, as well by a Surrender, as by a Storm. There are but few that engage in a Field-Combate, in compariſon of vaſter numbers that willingly ſubmit: theſe are ſaid to be conquer'd, when the others are overcome.

4. Had the Subjects no Right in their King, nor to his Protection, nor to the Laws whereby he was inviolably inveſted with Kingly Power and Rights? If he then was conquer'd, and our fundamental Laws of hereditary Succeſſion, in which we had a legal Right, diverted: How can our Author ſay, that the People's Rights were preſerved, when the King loſt his? Is not King *William* declared to be a King *regnant*, and not only a *nominative* one, as King *Philip* was in the words of the Lord *Coke*?

5. If a King may be conquer'd, and not his Kingdom; might it not be replied, that King *William* the Firſt conquer'd *Harold*, but not the Nation? But you'll ſay, there was a Battle fought, and many Soldiers and much people ſlain. What then? by the help of his own diſtinction I will undertake to prove, that 'twas not the Nation, but *Harold* and his Army was conquer'd. And if the diſtinction would hold in any caſe, it might be ſomething more uſefully applied here, than in his own Caſe: For King *James* never fought here in his own Perſon. But foraſmuch as Conqueſt is a harſh term, and not very ſavoury in *England*; leſt it ſhould comprehend as much as it doth ſignifie, the Diſtinction was uſefully and commodiouſly invented, and applied to ſecure

our

our Titles, which we were willing to continue; and to null the King's, which we were not ever dutifull to preſerve: For our Authour knew well enough what the Prince of *Orange* ſuggeſted in his *Additional Declaration*, that the *Conqueſt of the Nation doth void all lawfull Titles to Honours, Eſtates, and Intereſt*; ſo to preſerve theſe 'twas cautiouſly reſolv'd, to diſtinguiſh between the Conqueſt of the King and the Nation: for if our Conqueſt had been involved in the Conqueſt of King *James*, more muſt have been inferr'd than many were willing to grant. But ſince we are now on Myſteries of State, it would not be unacceptable, if the Author would turn the Tables, and reſolve this inquiſitive Age, how a Kingdom may be conquer'd, and yet the King loſe none of his Rights. For ſuppoſe a King of *England*, *Rich.* 1. or *Edw.* 1. to be in the Holy Land, and the *French* or *Scots* in the interim to have invaded and conquered the Kingdom, juſt as the Prince of *Orange* hath now conquered the King: Would they not have been as much out of the Condition of Subjection, as now King *James* is out of a Condition of Protecting? and, Would his Rights (to apply his very words) have been ſecure and entirely preſerved, though they had loſt theirs? Perchance this ſide of the Queſtion will be as intricate and obſcure to our Author, as his is imperceptible and incongruous to us. And ſince Relatives and Reciprocals are now ſo much in vogue, this Correlative would deſerve its conſideration, with the reſt of the like ſtamp.

Our Author ſaith, That *King* William *pretends not to a Conqueſt over the Nation.* If this be a good Plea, then King *James* is not conquer'd, as far as we know; becauſe the Prince of *Orange* pretends to no Conqueſt over him, but *recognized him* in the publick Prayer *Sovereign Lord and King in this Kingdom*, after the pretended Conqueſt was made by him, and to which he is now entitled.

But ſuppoſing it be a Conqueſt, (which we don't believe, and why ſhould we, when the Prince of *Orange* declared againſt it, and the *Convention* did not grant it, but ſomething elſe that was inconſiſtent with it; as it appears by the Inſtrument of Government, which if our Author thinks a good Law, why ſhould he diſtruſt their Wiſdoms, and oppoſe his own to theirs, and do that which *Sages* have condemned, when they ſaid, *Neminem oportet eſſe Legibus ſapientiorem?*) Suppoſing it a Conqueſt, I ſay; yet the Conqueſt *might not* be founded on the Rules of Juſtice, nor confer a Righteous Title: ſo that, if we were certain of the Conqueſt, yet

we

we might ſtill diſtruſt the Equity of the War; and if there be a failure in this latter, there can be but little reaſon to rely on the former by our Author's Conceſſion.

I ſhall not enlarge on that Title which Conqueſt can give: for this I refer the Reader to a late printed *Abſtract of a Learned Perſon* who wrote on this Subject, when the Inſolent Uſurpers over *Charles* the Firſt pretended a Title to Conqueſt, but ſhall only and barely propoſe ſome Requiſites to a Juſt Conqueſt, and leave the full examination of them to others, whether they were punctually obſerved in the preſent Caſe, and celebrated Victory or no. I mean not hereby the uſual and juſt Rules in the very Exerciſe of Arms, and Management of the War: but the conſtant Preliminaries which Juſt and Generous Warriers, and the Learned Civilians require, before the Conteſt is begun, and violent Acts of an open Hoſtility attempted.

To a Juſt War are required.

1. *That an Injuſtice or Injury be done and committed.*

2. *That a Complaint be made by the Sufferer, to the Aggreſſor or Violator.*

3. *That on no Complaint, Redreſs and Reparation for the Injuries be denied.*

4. *That after ſuch a Denial, there be a ſolemn and publick Denunciation of War made.* This was thought ſo ſacred a Condition by the *Romans*, that without it a Conqueſt was but ſneakingly and ſhamefully ſtoln, not fairly or gloriouſly won; and that ſuch Conquerors were as great Delinquents in the manner of executing Juſtice, as the conquered Enemies were to provoke and deſerve it. And how truly, or how punctually theſe Conditions were obſerved in our Caſe, I need not tell the World.

The uſual Reaſons to juſtifie the preſent Attempt are,

1. *To correct Male-adminiſtration, and remove evil Counſellors, and to preſerve the Government, the Subjects Rights, Laws and Liberties.*

But who, or what Law hath made the Prince of *Orange* a Judge in our *Iſrael*? How came he by the Right of *Appeals* from *England*, or to be a *Superiour Sovereign* to our *Supreme Governour*? Doth our Law make him in time of Complaints and Grievances our *Dictator* and *Regulator*? or, Doth God and Nature impower Children to chaſtiſe their Parents? Will any indifferent perſon juſtifie ſuch Proceedings? or, Were ſuch, in all Circumſtances, ever heard of before to be acted by Religious Proteſtants? What King can long be

be ſecure? or, What Peace firmly preſerved and enjoyed? Where ſuch Allegations are ſufficient to juſtifie any unnatural War, may not the next Pretenders to the Crown practiſe the ſame methods, and be as innocent? Thanks be to God, our Condition was not ſo deplorable, that we were under a Ruin or utter Deſperation: and I pray God the preſent Revolution may not haſten what we feared; and effectually accompliſh what we only dreaded. The Sword is drawn, and the War begun; and who may live to ſee that ſheathed, and this ended? *Omne bellum facile ſumitur, ſed ægerrime deſinit: non cujus poteſtatis initium eſt, ejus & finis*, ſaid the Great *Cæſar*: or, Who knows what bitterneſs will be in the End? We may live to be chaſtiſed with our own Scorpions, and in the cloſe periſh by our own unhappy methods. Certainly thoſe days muſt be evil, when thoſe of our own houſes are the moſt imbitter'd Enemies, and implacable Foes.

If the Juſtice of a War could have been founded on K. *James* his perſonal Miſdemeanors, it would have been but equitable to have drawn up the particular Charge of all thoſe Crimes for which he deſerved to have a War proclaimed againſt him. But in all the *Prince's Declarations*, I find not one ſingle Crime imputed to him, but all the ill Adminiſtrations are charged on the *Evil Counſellors*. Now to puniſh and conquer one Man for the ſins of another, ſeems not very agreeable to the Rules of common Equity. And if theſe Evil Counſellors contracted a greater degree of guilt, by endeavouring *to alienate King* James *more and more from the Prince and Princeſs of* Orange: what black and unnatural Character muſt they deſerve, who attempt to alienate the *Prince* and *Princeſs* from King *James* their Father? I wiſh the Event had never given the unhappy Occaſion of quoting this part of the *Declaration*.

Whatever Intereſt or Right the *Prince* hath to the Succeſſion; We, who have taken the old Oaths, have ſworn to defend it: and in Juſtice 'tis wiſhed, that he may never be deprived of it. But yet a future Expectancy giveth not a perfect title to the actual Poſſeſſion of it. What is future, is onely contingent: and none can be certain to enjoy it any more, than he can be certain to ſurvive the regnant Prince. 'Tis *Injuſtice* to deſpoil any one of his future Right and juſt Inheritance; and 'tis more to diſpoſſeſs another of his actual due. To do one certain Act of Injuſtice, is an improper Courſe to prevent a leſs, becauſe altogether uncertain: and and this is to put a pretender and heir into better circumſtances than the Rightfull Poſſeſſor.

2. The

2. The ſecond pretence to juſtifie the *Prince*'s attempt is, *The ſetting up a ſpurious Prince of Wales*, to *poſtpone* the juſt Rights of others, and of himſelf in particular. The Conſideration of this is of ſo vaſt importance to the Honour, Juſtice, Oaths and Religion of the Nation; and deſerves the moſt ſerious, calm, wary and ſtrict debate and examination. For if the Prince of *Wales* was the true Child of King *James* and his Queen *Mary*, he then is lawfull Heir of theſe Kingdoms, and we are inviolably ſworn to his Right; Why ſhould an Infant Prince be injured, and multitudes involved in Perjury? The ſame Plea of Succeſſion which juſtifies the Prince of *Orange* will juſtifie the Prince of *Wales* if true born. Much more, if this is an Impoſture, the matter deſerves the ſevereſt Scrutiny, and the moſt impartial Manifeſtation to expoſe the Cheat to ſhame, to vindicate our Reputations, and ſatisfie our Conſciences. To ſtruggle for an Impoſtor againſt the rightfull Heir would be Perjury; and to neglect our ſworn duty to the rightfull Heir would be no leſs.

Preſumptions, Suſpicions and vulgar Reports, are not weighty Arguments to convince, nor true Reaſons to ſatisfie; they are too weak to govern Prudence, and too ſhallow to direct the Conſcience; they change not the nature of things; nor make them true or falſe. 'Tis not what is ſaid, but what is a proved Truth, that ſhould be the Rule to guide us in this great and conſciencious Affair. One Man's doubt doth not deſerve another's full and firm aſſent; and ſome mens diſtruſt is not a ſufficient ground for another's peremptory disbelief. Whatever averſneſs there was in the Court, to ſatisfie many before, or at the Birth; there was a multitude of Teſtimonies to confirm it afterwards; and now 'tis confirmed the more, becauſe nothing done ſince to diſprove it, or them. The whole matter deſerved to be re-examined; and the management enquired into by a legal Parliament, according to Promiſe; that ſo the Repreſentatives might have acquired the full knowledge of this grand Affair, that thereby they might be prepared to ſatisfie the whole Nation, who have infinite reaſon to deſire it. How many Scruples would be reſolv'd? How many Doubts removed? How many minds would be eaſed, if it could be fairly proved whoſe Child this Impoſture was? how, and by whom 'twas ſurreptitiouſly brought in; how the Plot was laid; and how the Intrigue carried on; who were the Contrivers and Managers; what Artifices were uſed to amuſe ſome and delude others; what Im-

provements of Art, and Impoſitions on Nature, were uſed to produce ſuch a Fatherleſs and Motherleſs Child; what golden Showers effected ſuch a miraculous Birth; what ſort of *Aboriginal* Native this Infant is; who, according to ſome popular Oracles, is like to be the Wonder of Ages, *without beginning or ending of days?*

We are concern'd by Oath for the rightfull Heir; and by Oath let it be determin'd who the Heir is. We are told by many late Writers, that 'tis not our duty, nor is it required of us, to examine Titles; but undoubtedly we are to reſolve, and enquire, in order to keep our Oaths; and ſince by Oath we are engaged to the right Heir, 'tis neceſſary to be ſatisfied who this Heir is that hath the Title, which we muſt own, and to whom our Oaths of *Allegiance* and *Supremacy* are to be paid. An *implicit Swearing* is no more commendable than an *implicit Romiſh faith*, and a blind *Popiſh* Obedience; ſince the Oath is taken, 'tis our concern, and ought to be our enquiry and buſineſs, how it may and ought to be kept.

How eaſie and uſual it is to cry up, and clamour down what ſuits with our deſigns, and is agreeable to our purpoſes; and to change the Judgment for no other reaſon, but becauſe the ſcene of Affairs is altered. *Bleſs the Prince of Wales* was the Prayer for one day; and, *hang up the Cheat* was the Sentence of the next. 'Twas intereſt then, to bleſs; and now 'tis Intereſt, and ſomething worſe, to curſe the very ſame Perſon. But how ignoble, unmanly and unchriſtian ſuch methods and changes are, a little honeſty may ſuffice to convince.

What Prayers, and what Solemnities were expreſs'd here in *England!* What Formalities and Traſports of joy in *foreign Courts!* Addreſſes were made at home, and Congratulations came from abroad; and ſuch ſeeming acquieſcence in the general, that to pray for the *Prince of Wales* was not onely enjoyn'd, but the Nation was contented to own him before God himſelf.

Did not the Prince of *Orange* ſend a Congratulation for the Birth of the Prince of *Wales*, and was not the Prince prayed for in the Princeſs of *Orange*'s Chapel?

Did ever the P. of *Orange* complain of any Impoſture or Fraud in this Affair, before the *Declaration* came forth? and in the *Declaration* a vehement Suſpicion is the Summ Total; and upon that ground, the Birth of the Prince of *Wales* was referr'd to the Enquiry of a Legal Parliament: which certainly the wiſe P. of *Orange* would

would never have done, if it had been a certain Impoſture, and thereby expoſe his own indiſputable Right and Title to an hazardous Diſpute.

This momentous Point calls for a moſt deliberate and impartial Tryal: every pious and tenderly juſt mind, can but deſire to be ſatisfied herein; that the Nation may not hereafter halt between two Pretenders, and continue doubtful where to pay their duty, and ſhew their fidelity, being entangled with the doubts and difficulties of Conſcience, the *Aims* of Princes, involved in the miſeries of a bloudy Civil War.

Was there no way to ſatisfie the Prince of *Orange* but by owning a forgery in the Prince of *Wales*? Was there *Inſpectio Ventris* ſolemnly deſired? and if deſired, Was it refuſed? King *James* is not charged in the *Prince's Declaration* for denying one thing which ever the Prince of *Orange* formally and publickly required of him.

And our Author confeſſes, that the Affair of the Prince of *Wales* is *not ſtrictly to be inſiſted on:* which others think ſhould neceſſarily be done, whether the Birth be true or falſe. The *Memorial* hath collected a great number of Allegations and popular invidious Surmiſes; but hitherto they want the honeſt and legal evidence of ſufficient Witneſſes to prove them. And if the Birth is not ſtrictly to be enquired into; why was it promis'd in the *Declaration?* why were Calumnies raiſed from thence to blacken King *James*, and Surmiſes and Arguments to alienate his Subjects from him, and promote the Cauſe, and provoke the minds of his Adverſaries againſt him? Doth not that deſerve a ſtrict Inquiſition, wherein the Oaths, Honour, and Juſtice of the Nation; and the Right and the Happineſs of our Conſtitution and Government doth conſiſt? It ſeems, and ſo 'tis believed; that what cannot be proved, is not ſtrictly to be inſiſted on, according to our Author.

Notwithſtanding all that hath been ſaid; if it ſhould prove true, what ſome have ſuggeſted, that the Deſign of the Invaſion was laid and carried on before the time of the Queen's pretended Delivery of the Prince of *Wales*, how decently would the pretence of the War, from that pretended Prince's Birth, be committed to its honeſt grave of oblivion?

What other pretences others may have to juſtifie the Prince of *Orange's* War and Conqueſt, I know not: this I know, that the Author of *the Letter to a Biſhop* inſiſts on no more: and whether the Objections or Anſwers are moſt ſatisfactory, is left to the Rea-

der's Judgment to determine what he pleaſeth; for 'tis out of my power to make him think otherwiſe than he reſolves to think.

Yet after all, I cannot but obſerve how cautious our Author is, not to lay too much ſtreſs on Conqueſt, leſt that ſole Plea ſhould fail: and therefore he twiſts two more pretences with it *to complete a Title*; and ſaith, *The Prince and Princeſs of* Orange *are in poſſeſſion partly by Conqueſt, partly by Inheritance, and partly by the Conſent of the Nation.* Without all theſe together it ſeems the Title would not be whole and complete; for where a part is wanting, the whole is not intire: but how all theſe are conſiſtent or exactly true, 'tis not eaſie to comprehend; if only the various paſſages of the *Letter* be truly compared, much leſs if the Acts of the *Convention* and the Inſtrument of *Government* are but curſorily conſidered, and a little compared. And it ſeems to me, whatever the
Page 19. Author pretends, he fairly quits them all, by ſaying, *that the undoubted Right of Succeſſion of the Prince and Princeſs of* Orange *was after the death of King* James. If then King *James* be not dead, it is not their undoubted Right to ſucceed.

The laſt Argument that is inſiſted on to perſuade us to believe, that our Oaths to King *James* do ceaſe, is, becauſe *he ceaſeth to protect us*; whereby, and according to which our Author, and other Writers, would have actual Allegiance and Protection ſo naturally reciprocal, that this failing, the other muſt do ſo too. To evince the Falſhood of this Doctrine, I ſhall propoſe two things, 1. Argument; 2. Example; having firſt obſerved, that the Oaths of Allegiance and Supremacy are not taken on the condition of actual Protection. In the Oaths there are no Conditions or Reſervations made or expreſſed: and 'tis to be remembred, that the Oaths are given to ſecure the Subjects duty to the King, not the King's duty to the Subject; which is obvious to him that reads the Oaths. And I dare appeal to our Author, whether he took the Oaths with a Condition of Protection the firſt time after King *Charles* the Second's Reſtoration.

1. The Argument ſhall be taken from, and in the very words of the *Univerſity of* Oxford's *Reaſons concerning the Covenant*, &c. drawn up by that great Caſuiſt Dr *Sanderſon*, Sect. 7. of the *Salvo's*, Wherein the Zealots of that time, pretending to ſatisfie the Scruples of Loyal Perſons, ariſing from the Sovereignty of the King, and the Duty of Subjects Allegiance, are brought in

By

By saying, *Which (seemeth to us a piece of unreasonable and strange Divinity) that Protection and Subjection standing in Relation to each other; the King being now disabled to give us Protection, we are thereby freed from our Bond of Subjection: Whereas,*

1. *The Subject's Obligation* (Jus Subjectionis) *doth not spring from, or relate unto the Actual exercise of Kingly Protection; but from, and unto the Prince's Obligation to protect,* (Jus Protectionis,) *which Obligation lying upon him as a Duty, which he is bound in Conscience to perform, when it is in his power so to do: the Relative obligation lyeth upon us as a duty, which we are bound in Conscience to perform, when it is in our power so to do. His Inability therefore to perform his duty, doth not discharge us from the necessity of performing ours, so long as we are able to do it.*

2. *If the King should not protect us, but neglect his part, though having power and ability to perform it; his voluntary neglect ought not to free us from the faithfull performances of what is to be done on our part: How much less then ought we to think our selves disobliged from our Subjection, when the Non-protection on his part is not from the want of Will, but of Power?*

It is most certain, that actual Protection, and actual Subjection, do not mutually infer each other; for all that are actually protected, do not pay actual Subjection, as is evident from the many Traitors and Felons, and other Criminals in peaceable times; and though many pay actual Subjection, yet are they not actually protected, as, amongst others, the Society of *Magdalen-Colledge* can abundantly testifie. If any one in a plainer Phrase shall say, That he that is actually protected, ought to pay Subjection, (including the Oath of Allegiance herein,) I must say, that this will open an entrance for all Villany, Falshood, Treason, and Usurpation whatever; and being admitted, will patronize all Disloyalty, Unfaithfulness, and Perjury.

If a *Massianello* shall seditiously seize a whole City, and the strength of it; will any one say, that Allegiance presently becomes his due, because the true Lord of the City is not capable at present to protect the Inhabitants? Or if a Company of Night-Robbers seize the House, and the Inhabitants; and for the present defend them from the assault of some other Thieves: is therefore their faithfull Obedience become due to the Robbers? and ought they for this present defence to swear themselves Liege Servants for ever?

Our

Our Author tells us, that King *James* is altogether incapacitated to protect us; and are we therefore incapacitated to be faithfull to him? Becauſe he can't do what he would; muſt we therefore do what we ſhould not? Allegiance may be Suſpended; but without the King's conſent it cannot totally be Abrogated: For having paſſed over my Faith to him as his due, and he accordingly having accepted it, and continues to demand it as his due; I can't without Injuſtice take from him, what is his due to have, and will not part with. The Author is very wary herein; for though he ſays King *James* is altogether incapacitated, he doth not add *for ever*; for of this he can't be ſure, and ſo here may be room for a future Apology, and to return to a future Allegiance, becauſe of future Protection; which I heartily wiſh him on all occaſions and mutations.

The caſe of the Frontier Towns in *Germany* and *Flanders*, is not parallel to ours; if it was, a Foreign Example is no perfect rule to direct our Conſciences. Is there not ſuch a tacit Condition in their Oaths, confirm'd by the acknowledged practice of all Parties, and the conſent of their Governing Lords? Is their Oath the ſame with ours? Do their outed Governors require Allegiance from them, as King *James* inſiſts to demand ours? If they are re-taken by force, or a permiſſive ſurrender, are they ever treated as Traitors, but rather govern'd as a new acquired Conqueſt? They do what they can for their old Maſters; and when that is done, theſe releaſe them to paſs their Fidelity on another. But are we releaſed by King *James*? or can we our ſelves diſcharge our Obligations? Now though they change their Faith with their Lords, yet I underſtand not how they are *neceſſitated thereunto*, as our Author expreſſeth it. But if Protection confers a good Right, doth not the *Principality* of *Orange* belong as much to the *French* King, as *England* to King *William*? and how incongruous to our Author's principles muſt it be, to proclaim the *Iriſh*, Rebels and Traitors, for not being protected?

To the Argument, I ſhall add,

2*dly*, Some Examples to convince us, that actual Protection infers not actual Subjection. When King *Richard* the Firſt in his return from *Paleſtine* was taken by the *Duke* of *Auſtria*, and made a Priſoner by the *German* Emperor for fifteen months; his Right to *England* did not ceaſe, nor did the Subject's Fealty fall, though he was then (in our Author's words) incapacitated to govern; and

ſome-

ſomething more in reſpect of his Perſon, than King *James* is at preſent. The Impriſonment of King *Charles* the Firſt, (and Conqueſt, and the Original Contract, and the People's Rights were then pretended, as now they are,) and the Conqueſt, and long Baniſhment of King *Charles* the Second, when he had not one Hold in his three Kingdoms, did not vacate the Oaths; nor would all ſorts of rigour enforce the true Loyaliſts to quit their Faith, and forego their Allegiance. I believe our Author was once of that opinion, however there was as fair a Plea for Protection then, as can be pretended now. The laſt Inſtance ſhall be in *David* and *Abſalom*; a Caſe more parallel to our preſent Circumſtance, than I could wiſh, though I cannot help it. The Laws were too groſly and notoriouſly broken by *David*; and ſo much the worſe was he, becauſe the Laws were appointed by God himſelf: He committed the moſt injurious Sins, that one Man can be guilty of againſt another, which were Adultery and Murther; and ſo, according to our Author's Doctrine, he ceaſed to be a King, becauſe he ceaſed to govern according to Law. *Abſalom* complain'd of Grievances, and promiſed Reformation and Juſtice, when he ſhould be made Judge in *Iſrael*: by which pretences he ſtole the Peoples hearts, and gather'd a numerous and formidable Army: He is proclaimed King; he ſeizeth the Royal Palace; and the People were as ready to ſerve him, as they had been to be commanded by his Father. *David* flies, becauſe he had not Forces enough left to fight, and defend himſelf, (ſo here is a Conqueſt too) leaves no *Viceroy* to govern the People at *Jeruſalem*; flies over the River *Jordan*, and ſo *Abdicates* the nine Tribes and a half: and ſo not being able to protect them, their Faith became due to *Abſalom*. Now here is a Scripture-Caſe too parallel to theſe days, and in every particular almoſt correſpondent to our Author's arguments and allegations; like *Elijah* to the Child, Noſe to Noſe, Eyes to Eyes, Hands to Hands, *&c.* and ſo like is the Child, that the difference can ſcarce be diſcern'd. I will make no other Application, but deſire the Author of the *Letter* to ſatisfie the World, if *David* did not *Abdicate*, and was not truly dethron'd or diſpoſeſs'd of the Crown; and *Abſalom partly by Conqueſt, partly by hereditary Right, and partly by the conſent of the Nation*, was not in full poſſeſſion of the Government, and in a capacity to protect the People: It matters not, in our Author's determination, whether *a month or ten years?* and whether the Oath of Obedience, in conſideration of Protection, was

not

not due to *Absalom's* and such an Oath he hath found out, *Eccles.* 8. 2. For if it was in *Solomon's* time, 'tis no unreasonable supposition to imagine it to be in use in the Reigns of *David* and *Absalom*; since our Author saith, it was the manner of the Subjects of *Israel* and *Judah* to take Oaths of Allegiance to their Kings.

Page 30.

Having now consider'd every Argument, and Allegation of every thing of moment, pertinent to the present case, as they occur in our Author; whereby he endeavours to prove, that our Oaths to King *James* do cease to bind us any longer: and having, as I think, given a full and sufficient Answer to every particular, I now proceed to consider

2. The second grand Point of transferring the Oath of Allegiance on King *William* and Queen *Mary*, our new Lord and Lady; but how they came to be so, when the Nation was not conquer'd, let the Author tell. He saith there was a Contract between the Prince and the Nation. There was a Contract indeed between some of this Nation to change our Governor and Government too.

That we are better protected now than formerly, *Ireland* can prove; the encrease of Taxes, the failure of Trade, Free Quartering of Soldiers in private Houses, the loss of Places, the suspension of Persons do more than enough convince, though not satisfie us, that our Laws are preserv'd, and all of us govern'd according to Law, is as true; Witness the Laws relating to the Crown and the Parliament. Had we no other Motives to transfer our Allegiance, these would not contribute the best encouragements, nor be very amiable inducements: but Motives are not the things we hunt after, but satisfactory Reasons to inform our Understandings, guide our Judgments, and preserve our Consciences.

If King *James* truly and really, to all intents and purposes, did cease to be King, and the Oaths as to him were truly and altogether fall'n; yet that part, which relates to his Heirs, continues valid and still to oblige us. Now if there was no pretended Prince of *Wales*, or if he could be proved as spurious as some proclaim that he is; yet the Prince of *Orange* is not the next Heir in the usual course of Descent, according to the *English* Laws and Customs, and as we have sworn; and so the Oath, as we think, can't be honestly transferr'd on him, which by right belongs to another.

If

If it be said, yt ye Princess consents thereunto; how can she part with, & yet at ye same time preserve her right of Sovraignty? If she consents for her life, (& no longer she cannot impart it;) this satisfyes not ye doubt. For though she have children, & ye Princess of Denmark, & her children survive ye present Queen, yet by ye Act of Settlement all are postponed to King William, who is declared King for life; and according to ye declaracon, to which ye Oath is annexed, ye oath is to be understood, & taken: for this related to that, & ye oath is made to him as King, & he is declared King for his life. If ye oath were to be made to him as Nominative King to King Phillip was; no obedience might be paid to him, so long as he, & ye Queen joyntly lives. But to own him as a regnant Sovraign, in whom ye title, & rightful Government is invested, consists not with ye former Oaths.

If it be said We are not required to recognize his right; it will be demanded, if since he is King, whether he is rightfully so, or wrongfully so;

and

and one of these must be supposed in ye oath, tho we distinguish, & abstract never so much. If ym I suppose him rightfully so, I may as well recognize him in words, as own him so in ye mind: & yet how few are there, yt will adventure to swear to his right? If he is wrongfully so; yn by transferring ye oath on him, yt hath no right, I manifestly wrong him, yt hath, & swear to Injustice in taking ye oath of Allegiance to him, who thereby deprives another of his right.

The oaths are to be taken in ye legal sense of ye Imposers: & wn we took ym, it was a legal Maxime yn, yt ye King never dyes: & he was thought a legal heir, yt was — next of kin in proximity of blood. Now yn Abdicacon doth either vacate ye Throne more yn death, or introduce a Failure of Title, & an Interregnum, where there was no want of heires, & where ye King never dyes, is past comon understanding to comprehend. There would indeed be some colour for this plea, if all ye matters (according to ye new modish Schemes) charged upon King James could be either transferred, or alledged agst all ye Royal line: But

neither-

neither impudence, nor pretence can say, yt all of the Royal blood subverted, or deserted ye Government, or were conquered by ye Prince of Orange; & how came he himself to loose ye inheritable descent by his own Conquest? unless we say, yt ye Prince of Orange lost his Right by coming in, & King James lost his by going out of ye land.

It is not wt an assembly hath voted, yt can secure us from guilt, & indempnify us before God's Tribunal; tis wt we have truly sworn, must be our honest care to regard. Suppose the Convention had voted ye possession of ye Government to ymselves, & ye protection of ye Kingdome to be in ymselves; could our Author innocently have transferred his Allegiance on them? Say not, This is a wild supposition; for it is a plain tacite recognition, & yt is something more. For if possession, & protection belonged not to ym, how could they transferry^m on another by an unusual, & pterlegal Act of declaracon, & a new method of Eleccon? In ye same instrumt, wherein they declared their Rights, they have resolved William & Mary to be King & Queen; and by being made King & Queen, tis humbly supposed, they were put into ye actual possession, & protection of ye Kingdome; wch it seems, is

and one of these must be supposed in ye oath, tho we distinguish, & abstract never so much. If yn I suppose him rightfully so, I may as well recognize him in words, as own him so in ye mind; & yet how few are there, yt will adventure to swear to his right? If he is wrongfully so; yn by transferring ye oath on him, yt hath no right, I manifestly wrong him, yt hath, & swear to Injustice in taking ye oath of Allegiance to him, who thereby deprives another of his right.

The oaths are to be taken in ye legal sense of ye Imposers; & wn we took ym, it was a legal Maxime yn, yt ye King never dyes; & he was thought a legal heir, yt was — next of kin in proximity of blood. Now yn Abdicacon doth either vacate ye Throne more yn death, or introduce a Failure of Title, & an Interregnum, where there was no want of heires, & where ye King never dyes, is past comon understanding to comprehend. There would indeed be some colour for this plea, if all ye matters (according to ye new modish Schemes) charged upon King James could be either transferred, or alledged agst all ye Royal line: But

neither

neither impudence, nor pretence can say, yt all of the Royal blood subverted, or deserted ye Government, or were conquered by ye Prince of Orange: & how came he himself to loose ye inheritable descent by his own Conquest? unless we say, yt ye Prince of Orange lost his Right by coming in, & King James lost his by going out of ye land.

It is not wt an assembly hath voted, yt can secure us from guilt, & indempnify us before God's Tribunal; tis wt we have truly sworn, must be our honest care to regard. Suppose the Convention had voted ye possession of ye Government to ymselves, & ye protection of ye Kingdome to be in ymselves; could our Author innocently have transferred his Allegiance on them? Say not, This is a wild supposition; for it is a plain tacite recognition, & yt is something more. For if possession, & protection belonged not to ym, how could they transfer ym on another by an unusual & pterlegal Act of declaracon, & a new method of Eleccon? In ye same instrumt wherein they declared their Rights, they have resolved William & Mary to be King & Queen; and by being made King & Queen, tis humbly supposed, they were put into ye actual possession, & protection of ye Kingdome; wch it seems, is

is ye securest way, & (according to some) ye best title to be King & Queen; and will any one dare to tell ye Convention, yt they were King & Queen, before they had possession, & protection; or yt they were invested with these, before they were voted to be King, & Queen; or yt it was their Right, before ye resolucons of ye Convencon? If so, yn ye vacating principle is resolved into its primitive nothing. The whole of this Affair of transferring oaths (as managed by our Author) I shall reduce to his Reasons, & his Instances.

1. His reasons are possession, & protection. And by ye same reasons he may justify all insolent usurpacons, & prove Allegiance to have been due to Oliver Cromwell, & ye long Parliamt; & all ye Counties of Ireland under King James's power obliged to their former Fealty.

Possession gives a just right, or not? If a just right, wt Injustice is it with ye force of arms, & ye miseryes of a war to force yt from King James, of which he is justly possessed? The same argumt, yt is now used to perswade to a new oath, was much more valid to observe ye old to one, yt had both possession, & an unquestionable title. If it is punishable now not to take a new oath; certainly he

he incurrs a greater demerit, yt breaks an old one. But perchance according to ye fashionable morality, 'tis a lesser crime not to be true, yn not to Swear. If this be not ye doctrine of ye times, ye practice however doth undeniably prove it. Let all ye old scores be paid for not keeping ye former Oaths; & yn heap on penalties for not Swearing to new masters & suspend but these, till judgmt be executed for ye former defaults, & yn we hope to be Assistances of Independity, as others are most notorious examples of it. Let ye first obligations be fully discharged, & yn begin to be scores for not contracting new debts. And oath is made to be kept; & if it be no better kept in England to King William, yn 'twas to King James, there is but little reason to enforce it with so much rigour. How can ye oath tye yn faster to one yn to another. The strength, & ye authority of ye oath doth not solely rely on ye persons; but ye matter, & God, before whom we Swear, must have likewise due consideracon also. Those, yt are false to an old master, are not always faithful to a new one. The oath is administred to keep a man faithfull; but if a man must be ruined for continuing faithfull, this will encourage ye faithless to be as firm to one, as to ye other; & teach ye Imposer to respect as much

much constancy as his predecessour found. Wn things are really considered, there can be no founda:-tion for more, but from those whose interest, & hazard will engage ym for their own sakes to be constant, wn they can't purchase their redemption for their old treasons, but by comitting new.

He yt undertakes to defend ye right of a cause from possession, is pretty well prepared to exchange his Bible for an Alcoran, & a Miter for a Mufti's turbant, and to condemn no man for Injustice but him, yt is insuccessfull in ye Attempts; for in this case, tis not ye cause, but ye success makes ye difference. But if possession gives not a just title to a throne, yn ye possessor hath no right title to ye Subjects service, & it must be Injustice to punish, where he hath no right to comand.

He, that relyes on ye mighty principle of possession, is qualifyed to comply with every change, & recognize ewy Usurper; to be an advocate for ye ffrench policyes, which we pretend to abhor; to be a Patron for ye Turk & Pagan; & to ratify ye Devil's right over those, whom he is said to possesse in ye Gospell; & to instate all his disciples in a rightfull dominion of what they can acquire by ye arts, & violences of injustice, & rapine. This is a compendious way to oblige ewy Invader, & to

pleasure

pleasure hib supplanter again, & to secure hib own interest in ady Revolucon. The event must be hib Gospell & ye rule of hib faith; the measures of hib Justice must be taken from ye longest sword & ye strongest arm; Rebellion must sink into treason, wn ye Rebells are ~~ye~~ subdued, but ye traitors conscience just, & glorious patriots, wn their wicked cause prospereth with success. And yet this is ye to pick of possession, which is too passionately urged to serve ye ~~ye~~ times, to deflowr our consciences, to dispossess us of our integrity, & deprive us of our property, & estates.

Protection is another plea not much better yn possession, & almost coincident with it; to cajole, wn it cant convince, nor baffle; if it used as a persuasive to take ye oath, wn not long since, it was not thought of force enough to engage us to keep that, which we had taken.

Twice in ye same year ye same argument hath been thought reason, & not-reason; to be a contemptible allegacon, & yet an irrefragable Truth: if it is not strong enough to preserve our faith, it can be but of little weight to engage it. We were once protected by one, whom we would not

that

that he should reign over us; we would not protect him, whom we had sworne to defend; nor yet be protected longer by him, who had a legal right, & that right recognized by our oaths.

But for as much as we cannot serve two masters with ye same Allegiance in contradiccon to each other; we must yrfore (for so'lis ordained) renounce an old master to serve a new Protector. and a little secular witt will easily teach a willing mind to prefer ye strongest power before ye justest right, & zealously to pray agt ye father, yt ye child may obtaine a goodly, honorable, & Reversed victory over him.

Protection according to Law, & Equity, is wt we crave, & such an one is our right to have: But to forfeit our Consciences to preserve our fortunes is an odd sort of protection; wn our condicon is rendred much worse, yn under ym, from whom we are pretended to be protected. We are now taught to believe, yt we are saved from our Enemyes, & to experiment ye happiness must fall by ye hands of our Saviour, & pretended friends; (like protection destroyd us, & redempcon proved our ruine;) & yt a papist is more favourable to all sorts of dissenters, yn some protestants to their ffathers, & Brethren of ye English Church; & that

that we love a transmigracon of something into ~~nothing~~ England, which we abominate to be acted in France. ~~in France~~. To confirm this plea of protection, our author flyeth to such a nature, & ends of Governmt, yt are founded on supposed mutual obligacons betwixt Prince, & people; & yt ye stipulacon falleth, wn ye Prince is not able to protect any longer. Thus dissability proveth a forfeiture; and because a man can do no more yn he is able, he must loose yt right, wch he had; & so farewell to weak Princes, & weaker infants, & ye Principality of Orange, ye Kingdom of Ireland, & these English Islands, yt ye French are said to have taken, & now protect from ye English. Thus likewise we are at last come to an original contract, & ye original power of ye people, which are plain contradictions to ye constitucons, to our Laws & to our Religion.

To be for ye King only, wn he is rich & power-full, & able to maintain their Interest, this is ye loyalty of ye Leviathan, as a modern divine phraseth it. And as to stipulacon, I shall only reply, wt ye admirable Casuist Dr Saunderson hath laid down; (viz:) yt ye duties of mutual

relacons

Relacons are not pactional & condicional, like ye leagues of Princes, but are absolute & independent to which we may add, yt a present disability may suspend a duty of either Relacon, but doth not totally null ye obligacon. How many nations have thought fitt to restore their Rightful Prince to their prisline government, from which they had been violently expelled by usurpacon & strong conspiracys: The present disability of ye King to perform his duty of governing us, doth not discharge ye Subject from ye necessity of performing his, as it asserted before: And if our Author's Rule is good, his Allegiance to King W: will cease, if a strong force should drive him out of ye Kingdome, and he should not be obliged to endeavour his Restauracon again. This is excellent smoothing of professd words, but little comfort, or encouragement to Princes involved in troubles, & dangerous wars: here is no refuge from a storm, but only warmth for ye Sun beams: happy is he yt needs not such a Subject, & much happier is he, who is without him, yt will not be faithfull in danger, nor helpfull in need.

(2.) I will examine our Author's Instances, wch are produced to justify ye transferring of a legal

oath

oath from a rightfull Prince to one in possession.

1) 1.) The first is ye practice of ye Towns in Flanders, who transfer their oaths from ye conquered to ye conquering Prince: of wch having said something already, I shall further add these three things: 1. first yt ye author doth not prove, nor say, yt those Flemish Oaths are ye same for substance with ye English; nor 2. secondly doth he either prove, or say, yt both oaths are understood in ye same sense, & taken exactly in ye same extent, & latitude, & with ye same Condicons, & Circumstances; nor 3. thirdly can he prove, yt Kg James made a Rendicon of his Kingdoms, as ye Flandrian towns have fairly made their surrenders. To make ye cases parrallell, our Author should, like a good casuist, have proved all these; but instead hereof he hath instanced in that, wch tends to his manifest confutacon. For if ye Kingdom was not conquered, as he asserts (& had reason so to do) yn ye people were not [necessitated by ye fortune of war to make new oaths to a conquerour] as he speaks; & how can ye case of ye new oaths be readily resolved from ye example of such places, which were conquered, & necessitated by ye fortune of war, to make new

oaths

oaths of Allegiance to a Conqueror.

The fortune of war may make one King's Subjects another King's Vassals, but can't make ym his lawfull Subjects without Rendicon, wch must be reputed ye act of ye King, and as done by his consent, & approbacon, because done by his faithful deputyes. But granting ye instance to be more close, & pertinent, yn really it is; I see not wt force it can have in ye present case of ye oaths. For if from practice we must argue, & inferr our duty, history, & not conscience must be our best, & surest guide. Lastly I shall oppose matter of practice in ye same country to his very instance: For wn in ye late wars many places of Flanders were brought under ye French power, ye Inhabitants refused to make ye oaths of Feably, to ye French, wch they had made to ye Spaniards their former masters.

2.) The second instance is matter of Law, taken from 11. Hen. 7. 1. and from ye Ld Cook's reading on ye 25th of Edw. 3. being ye famous Act of Parliamt conn'ing Treason. Our author cites this last, but I shall consider it first, as being made on that Act, wch was first

first in order of time. first ye great Lawyer saith, ye ye Act is to be understood of a King Regnant in possession, tho not de Jure; but not of a King de Iure, who is not King de facto also. whatever opinion he, or others have had of this Act, or however it is interpreted, or understood, it can never be imagined, ye ye makers of ye Law had an intent, or meaning to comprehend an Usurper therein under ye title of Noble Seignior le Roy: there having been a direct, legal, e uninterrupted succession according to ye usual, e legal descent for about seaven score yeares, wn ye Act was made: Neither was it made but of a prudentick design to favour any Invader, e authorize him to ruine another's legal, e rightful Subjects, but for ye Satisfacon, e security of ye Subjects, who were not certain before what was treason, e wt not; but were continually obnoxious to ye paine of such treasons as ye prevailing men of ye times in ye various changes of affairs thought fit to call so. those words indeed were so understood of ye three first Kings of ye House of Lancaster: but who knows not, ye besides actual possession, e an act of Settlement by a Parliament legally Summoned, e convened, they laid claim to ye Crowns by ye pretence of a just title, e a real descent of birthright; which alters ye case very much in

respect

respect of ye present settlement by vertue of an Abdicacon:
for now there is no dispute of ye Rightful title according
to Britishright, All men knowing where it is to be
found; but about ye justice, & legality of ye possession:
wherein ye circumstances of ye contest between
ye houses of Yorke, & Lancaster were so various
yt Dr Saunderson thought it but truth in his fifth
Lecture of conscience to call that litigious title
a doubtfull one, & proposeth submission to such
a title in possession. And ye Author of the
Unreasonableness of a new Separacon, pag. 22, 23.
makes ye controversyes between ye Houses of
Lancaster, & Yorke more intricate, yn usually they
are thought to be, & saith, That ye Case is not so
plain as men comonly imagine; & in truth, if
ye just legal title be ye only rule of Conscience
in this Case, it was hard to take ye Oath on either
side. It seems very strange, yt ye Ld Cooke should
for ye authority of his opinion cite in his margin
11. Hen. 7. 1. & two Acts made in Edw. ye 4th's time;
wherein ye Act of ye 25th of Edw. 3. tells us, what
shall be treason in genral against ye King; & ye 11.
Hen. 7. 1. what shall not be treason in one
particular for serving ye King: neither do we
find in this Act any reference to 25th Edw. 3. a
wch certainly was well understood by ye Kingdom
before these Statutes were enacted. And. 1. Edw
4. c. 1.

4.c.1 confirms some Judicial Acts, & Grants, wch without yt Act had been void, & indempnifyes Sedal from treason for serving ye pretensed Kings Hen. 4th 5th & 6th who were so in deed, but not in right. He tells us moreover in ye same chapter of high treason, yt an Indictmt for high treason is contra Ligeantiam debitam, which ligeance if it was due to a King de facto, & not de jure, how could a man be legally indicted under a King de Jure for ye performance of that, wch ye Law under severe penaltyes did strictly comand of him to a King, who was only so de facto, & who was Seignior Le Roy by ye Law as Coke saith? And yet those yt acted under ye three Henrys, were liable to ye pains of treason, untill such time as they were pardoned in ye Reign of Edw. 4th who was Kg de facto, & de Jure.

Whatever ye Intent of ye Act was it will be interpreted in favour of ye possessor, not because it ought to be so, but because he, & his creatures will have it so: and a pardon granted by a King de Jure, & not de facto is void (saith ye Ld Coke) & ye Reason is plain, because it will be so interpreted by ye King de facto.

To say

To say, yt ye King de facto only is Seignior Le Roy within ye purview of this Statute (as ye Ld Coke saith) is to oppose ye sentiments of ye next generations after ye statute was made, & to make ye 11. Hen. 7. c. 1. to be superfluous & unnecessary: for how could there be treason against a King de facto by 25th Edw. 3. wn there was no allegiance due untill 11. Hen. 7. 1. wch was many score years after.

But supposing, what our Author saith, yt a Kg de facto is Seignior Le Roy within ye purview of ye Statute; Is yrfore one man's opinion (wch is inconsistent with an act of Parliamt, & repugnant to many precedents) a rule for my practice agst ye tenor of my oath? Is it a good consequence, yt because a King de facto is Seignior Le Roy within ye purview of ye 25th Edw. 3. yrfore I may transfer a legal oath of Allegiance from a King de jure to a king de facto only; especially wn ye Crowne is in contest, & ye war between ym is not ended? The Lord Cooke must be understood with relacon to his own, & precedent times, not with respect to our circumstances, yt were not forethought by him, nor ever happened before.

Since ye Ld Coke's law is in so much repute with our author, I wish he had read, & considered ye next paragraph to that, which he cites, & there he

he will find something to be law, wch will not very well correspond with this settlemt on ye vacating votes. His words are these [By ye Law of England there is no Interregnum; for by ye Law there is alwayes a King, in whose name Laws are to be maintained, & executed; otherwise Justice should fail]

The 11. Hen. 7. c. 1. about ye subjects serving the Soveraign of this land for ye time being in his wars, though understood of a King de facto only, doth indempnify ye subjects from penalties for yt service; but proveth not ye innocency of ye fact; it frees ym from punishmt, but doth not justify, & satisfy ye conscience. K. Hen. 7. could not but remember, what punishmts they had incurred, who had served his predecessors of ye Lancastrian line; & to prevent such another unhappy fate, this Act was made to secure his faithfull adherents. Not yt he wanted a good title, wn this Act was made; for yn by his own pretended right, & by ye marriage of ye heiresse of ye House of York (wch he promised to do on ye Sacramt at Rheimes, & was ye condicon, on wch ye plot was laid, & assistance given to bring him to ye Crown) he had ye full, & legall right to ye Throne. But to prevent future mischief, yt might arise by ye Success of ye Impostor Perkin Warbeck, who proclaimed himself to be Prince Richard, & so ye Yorkshire heir to ye Crown,

K. & likewise

and likewise to secure his stacon, if he should survive his Queen, was a good reason, why such a law should be made.

The expression of a Soveraign Lord [for ye time being] doth not suppose, or imply a King de facto only, or insinuate a want of right, or title; the Ld Mayor, Chancellor, or Admirall [for ye time being] is no derogacon to their right, but doth signify a rightfull officer, and so it doth here; for these two reasons.

1. Because otherwise ye Act would have been an encouragemt, at least an indempnity to his subjects to assist a successfull Usurper to dethrone him: whereas ye act was made to indempnify those, who fought for him, not those who should fight against him; which is evident, in that many suffered as Traytors, who had assisted, & fought for Perkin Warbecke (ye pretended Rich. 4th.)

2. Though Queen Jane had been proclaimed, & acted as Queen of England, & so recognized by ye privy Councel, by many of ye Nobility, & Comons, and Allegiance sworn to her by ye Citizens, & some others, and was publickly owned for ye Queen for ye time being; yet ye Duke of Northumberland, Sr John Gates, Sr Thomas Palmer, & others suffered as Traytors for their service of Allegiance to Queen Jane: The Judges having first informed yt Duke upon his tryall for high Treason, That ye great seal of one, yt was not lawful Queen, could give

no

no Authority or indempnity: which doth most evidently demonstrate, yt a King, & Queen [for ye time being] are such, that are de jure, & not de facto only: For farther, & more compleat satisfaccon, I must referr ye Reader to ye late excellent printed sheet of Animadversions on ye modern explanacon of 11. Hen. 7. c. 1. and only add, wt hath been observed by some great persons, yt that Act which tends to ye disherison of ye Crown, or limits ye Parliament's power to reverse, or alter ye same, is ipso facto void and a felo de se. If so, yn this Act (provided it was more yn temporary, & personall) is void, & cannot afford any strength to our Author's argum: for it is said in ye very body of ye Act, yt they, who serve ye King for ye time being, shall not be convict by Act of Parliamt: see also Coke 4th. Inst. c. 1. of ye High Court of Parliamt [Acts against ye power of Parliaments subsequent bind not]

3) 3. The third instance is that excellent, & renowned casuist Bishopp Saunderson, whom our Author quotes to patronize his doctrine, where I cant but profess my just indignacon in behalf of so good a man, & so sincere a Christian, who was extreamly tenacious of his fidelity, & was constantly loyall in ye worst of times, that whom I cant remember any remarkable Author, that in so many pamphletts in

so

so little a compaſs of time to have been more ſhamefully wreſted, & perverted to ye defence of yt cauſe, which ib diametrically oppoſite to his conſtant practice, his avowed principles, & his publick writings. To him I dare, & do appeal for ye deciſion of this grand, & important point, & yt in ye very words, yt are cited by our Author (without further citacon:) a part whereof are theſe.

3. My Opinion is (ſaith ye Biſhopp) yt it is lawfull for a good Subject to pay obedience to ye Lawes made by him, yt hath ye Supreme power only de facto, & not de jure, & to doe what other things are comanded by him; ſoe yt nothing bee, or unjuſt be comanded ye: And ſo ſay I too; & therefore if new oath is refuſed, becauſe ye taking of it is thought vile, & unjuſt to a third perſon. The Biſhopp ſaith further, yt obedience to a violent Uſurper is ſo to be paid, that ye loyalty due to ye lawfull Prince muſt be preſerved inviolate, and nothing done to ye prejudice of his right. Where it is moſt evident, yt ye Biſhopp doth

1. Diſtinguiſh betweene obedience & loyalty; which our Author very carelesly, or very industriously confounds:

2. That he doth apply obedience to ye Uſurper, & loyalty to ye lawfull, & rightfull Prince; but never

never Fealty to ye Usurper.

3. That some obedience to an Usurper ib consistent with inviolate preservacon of Fealty due to a lawfull Prince, & who but ye temerarious, & imprudent, will refuse obedience to an usurped power, wch doth not any wayb interfere, or ib repugnant to hib precedent obligacon; & wr detrim, or ruine will insue on ye disobedience?

4. That whatsoever ye obedience to ye Usurper ib, hib Fealty to ye lawfull Prince must be preserved inviolate. Now let any man of a little understanding, that hath good eyes, honestly consider but a little, & he will easily discern ye great difference betwixt ye Bishopp & our Author. The Bishopp ib for Fealty to ye lawfull Prince, & not to ye Invader; (Regni invasori are hib words) ye other for Fealty to ye Invader, & not so much ab obedience to ye lawfull Prince, who he sayb ib fallen from all Soveraignty. The Bp ib agst violacon of Fealty to ye rightfull Prince, & prejudicing of hib right; ye other for keeping no Fealty to him, & dispuling down all hib right.

It ought to be considered yor ye Bp read those lectures ab of conscience, & ye circumstance of time will not a little help ub to understand hib judgemt. It wab in ye yeare 1647. yor King Charles ye first wab in custody, & Princes hib Son fled out

fled out of ye Kingdome, wn Oliver Cromwell, & ye Parliament had vanquished ye Kings forces, & pleaded Conquest & ye peoples Rights over ye King, & not long before ye Bp was turned out of his professors place for refusing ye Covenant: in ye reasons against which (drawn up by him) he disallows ye doctrine of possession & strongly insists for allegiance to a distressed King.

Our Author directs us to Dr Saunderson's case of ye engagemt, which I will not balk, about which I shall propose but these two things (1) yt ye Dr never took, but refused, ye engagemt. (2) yt in that case he hath these express words. The Imposers of ye Engagemt must be in reason supposed to require no more assurance, yn such as may, & is usually given to Usurpers; wch is not an acknowledgmt of their title, & a promise of Allegiance, but merely a promise of living quietly, so long as they are under their power, & enjoy their protection. And whoever so understandeth ye words of ye engagemt, as if they did oblige him to any thing contrary to his Allegiance, or render him unable to act according thereunto upon any seasonable emerging occasion, cannot with a good conscience take it. When ye words of ye Bp were so plain, yt our Author could neither wave, nor easily pervert (viz.t) ye

The fealty due to ye lawfull Prince must be preserved inviolate, & nothing done in prejudice of his right) by a pityfull shift he saith, this cannot be done: have no place here, since the late King fell perfectly from all Soveraignty, hereby deserting ye government: and ye Prince of Orange had a most just cause of warr agst him, & made a plain Conquest over him; & yt nothing of this can be brought within ye Bishop's case, is a most shamefull begging of ye question, and thereby he seems to grant that truth, wch he would disprove, but could not deny: Let him remember how ye Bs kept his Allegiance after Charles ye second was conquered at Worcester & fled out of ye Kingdome, & wn some writers insisted on ye peoples Rights, & ye Justice of ye warr, as our author doth now for that of the Prince of Orange.

4.) His fourth instance is ye Holy Scripture, to wch we submitt as ye Rule of our Conscience in this great, & momentous case: To ye Scripture I say, but not to our Author's interpretacons, for these will be found on examinacon to be false, and I hope a falsehood is no good argumt to clear a doubtfull case. Were ours about ye Oaths no more? The Scripture (he saith) comands Subjeccon to ye Superior powers under ye greatest penaltyes: Very Right, but here observe

Here observe

(1) he changeth ye Oath of Allegiance into Subjection, which are two different things &c so he changeth the state of ye question, wch is not very fairly nor rightlie done by a conscientious disputant, &c a resolver of Religious doubts, &c Scruples.

(2) that ye power, to which our subjection is required Rom. 13.1. is not δύναμις, might, or puissance, force or violence, but ἐξουσία, which in ye space of a few verses is five times named, and signifyes a lawfull power coming by some right of nature, or of nations, or by a civil Right in respect of ye person bearing it, &c ye persons substituted under him. And this is ye power in ye argum^t of ye Author may see in ye 12. Sect. of ye aforesaid 5th Lecture of conscience quoted by him: for ye performance of ye duty of subjection to ye Rightfull powers, is Requisite—

(3.) that we search to know, where, & who these Rightfull powers are, especially if we are sworn unto them; without wch due examination, we are not well prepared to hold fast that, wch is good, & so conscientiously discharge our obligations: We are told indeed, yt ye Scripture doth not put men upon ye Rack about ye Right of government: notwithstanding we are to know, yt ye Scripture

required

required us to render to all their dues; & y think a rightfull power hath a right to that lawfull ~~of~~ faith, wch y have sworn to ~~him~~ pay him.

(4) That y Supreme powers yr in being, were y Apostles St Paul, & St Peter wrote yr Epistles, were y supreme, & rightfull powers; it mattered not whether Nero, or Claudius; for they had all y right they could have, & y world could give, being recognized by y Senate, & y Army, as Suetonius tells us. neither do we find at that time, yt there was any competitor, or pretender, who laid claim to y Supreme power, wch they both had, & exercised. So y Rightfull power in ~~of~~ possession our Subjection is directed by y Apostle, & not to wrongfull, or unjust usurpers of ~~of~~ another's right, wch we cannot call the ~~of~~ Ordinance of God, though our Author should.

He next shifts from Subjection to Obedience, as he had varyed from y oath of Allegiance to Subjection; yt y principall point might be palliated by proving something, yt no body did deny. For tho granted, yt obedience, not destructive of another obligation may be paid to y powers in possession, how small soever y claim may be. But if by obedience he meant y Oath of Allegiance, (And so he should, for this is y subject in debate,

L. &

and to be proved, and except he doth, he seeks to impose on his Reader, & both prevaricateth, & speaks impertinently; this most evident, that he is much mistaken in that example, whereby he saith he can make evident his position of obedience to ye power in possession it should have been added in opposition to a Rightfull power. 3.

The example is Jehoahaz, whom he makes to be Shallum, and Shallum to be ye youngest of ye four sons of King Josiah, & to be before his elder brothers, for ye proof of this he quotes: 2. Kings. 23. 30. Jeremiah. 22. 10, 11. & 1. Chron. 3. 15. This very case is very learnedly & compendiously handled in a late dissertation thereon, whereby I am discharged from a large disquisition. I will lay down some observations, & refer ye Reader thither for a more curious, & full satisfaction.

1. That ye Case proposed is difficult, & perplexed, as Scaliger hath observed, & not very easily to be reconciled unto Chronology, without the allowance of some favourable Supposition.

2. That whatever ye true meaning of ye difficulty may be, or wherein soever ye truth of ye Reconciliation

Reconciliacon doth consist; tis both certain, & evident, yt ye state, which our author hath given is apparently false. For

3. As it doth appear, yt Shallum in Jer. 22. is Jehoahaz. 2. Ki: 23. or ye same with Shallum. 1. Chron. 3. so it doth appear most manifestly, yt Jehoahaz was elder yn Zedekiah by above 13. years, wch destroys our author's posicon; & will appear by this Scriptural Computacon

Jehoahaz was 23. years old wn he began to reign. 2. K. 23. 31. & Reigned. — — — — — } 3. months

Jehoiachim was 25. years old wn he began to reign. 2. K. 23. 36. & Reigned. — — — — — } 11. years

Jehoiachim was 18. years old wn he began to reign. 2. K. 24. 8. & Reigned. — — — — — } 3. months

Zedekiah was 21. years old wn he began to reign. 2. K. 24. 18. — }

So yt from ye beginning of Jehoahaz his reign to ye beginning of Zedekiah's is 11. years, & 6 months: to which if you add ye 2 years yt Jehoahaz had lived longer yn Zedekiah, wn he began his Reign, for Jehoahaz was 23. years

years, and Zedekiah was but 21.) it will be evident, yt Jehoahaz was elder yn Zedekiah by 13. years, & 6 months; & so not younger yn Zedekiah, as our author with so much assurance affirms: To this he hath added a bold ficcon, [that Jehoiachim had reigned almost 11 years wn his elder brother Johanan was living] neither ye Scripture, nor Josephus say any such thing of Johanan; from whence he had it, our author knoweth best.

4. Jehoahaz being one of ye 4 sons of Josiah, since he cant be Shallum; for if Zedekiah was elder yn Shallum, & Jehoahaz elder yn Zedekiah by above 13. years, Jehoahaz, & Shallum cant be ye same person: & since Jehoahaz can be neither Jehoiachim, nor Zedekiah, as tis undeniably evident from ye Scriptures, it remains, yt he can be no other yn Johanan, ye first born; and tis no unusual thing in ye holy Scripture to call ye same person by various naines; it is even so with ye three succeeding Kings: which though it contradicts our author's scheme, & spoils his argumt, yet tis ye best, & most probable way

to

to remove all ye intricacyes, & remove ye difficulty.
And no greater grant yn about 2 years
Inter regnum is required to effect all this,
& much less yn 2 years will effect it, if you
grant but ye usual computation of current
years, and admitt Jehoahaz to be 23 years
plenary, & upwards, & Jehoiachim to be in
ye beginning of his 25th year of his age;
and this is not repugnant to ye usage in ye
holy Scripture, & ye circumstances of
Pharaoh Necho's sending for Jehoahaz to
Riblah not a little distant from Jerusalem,
(if Riblah, & Antioch be ye same, as some
conjecture:) and ye appointing Jehoiachim
to succeed required necessarily some
considerable time for an Inter regnum; &
who can tell exactly from what period of time
Jehoiachim's reign did commence? this reason:
enable hypothesis, if allowed will settle the
priority of birthright, & answer all demands;
but without this allowance you must desire
far greater, & more irreconcilable, or else
leave ye knot as you find it, wch is more
destructive, yn beneficiall to our Author's scheme

of

of those Kings Reigns.

5. Suppose Jehoahaz to be none of ye 4 Sons of Josiah recorded. 1. Chron. 3. & to be younger ye Jehoiachim, but elder yn Zedekiah, & Shallum, and yt ye people in time of confusion on ye death of Josiah in battle made him King; w^t can be inferred from thence to justify ye validity of ye thing, or for a pattern to justify our present proceedings? Since he was deposed again after 3. months Reign, & ye matter of fact is neither approved, nor disapproved, for our caution, or imitation: to say, ye matter of fact was good, because 'tis not disallowed, is a very commendable way of arguing; & to think, yt all priority of birth is to be understood according to ye priority of nomination is a very great mistake.

6. I take Shallum in Jer. 22. to be Jehoiachim. These two reasons induce me to that opinion: first because according to the tenor of ye prophecy from v. 11. to v. 20. ye various passages can be accommodated properly to none but Jehoiachim: for ye 3 months reign of Jehoahaz (whom our author makes to be Shallum) was too short for ye building a wide house, & large chambers, &

7. cutting

cutting windows, and cieling with Cedar & painting with vermilion menconed v. 14. and ye illative terme (yr fore) in ye 18th ver. seems to connect ye precedent verses, and to make Shallum & Jehoiachim ye same. Secondly, because ye word of ye Lord Jer. 1. 2. 3. is said to come unto Jeremiah in ye dayes of Josiah & Jehoiachim, but not in ye dayes of Jehoahaz. So yt if ye word of ye Lord came to ye proplet in ye days of Shallum, but not of Jehoahaz, Shallum & Jehoahaz cannot be ye same person. Sr Hierome tells us, yt some of ye Jews attributed ye terme Shallum, which signifyes completion or consum=mation, to ye three last Kings of Judah, because ye prophesyes, & ye desolations had yr consumations in them. But Sr Hierome himself thinketh Shallum Jer. 22. 11. to be Zedekiah; and yt ye prophecy ver. 13. beginneth agst Jehoiachim: but yt Shallum should be Zedekiah seems not very congruous to ver. 11. where he is said to reign in ye stead of Josiah, which imports, that Shallum was ye next that succeeded Josiah, which Zedekiah was not. neither, as I Remember, is ye expression Reigned in ye stead of Josiah affirmed of Jehoiachim or Zedekiah.

7. Our author saith yt we do not find, yt ye Scripture condemns ye people for paying Allegiance to Kg Jehoahaz:

And why should not Joseph such a condemnacon, if he was ye first born? if not, we dont find ye Scripture to say, yt ye people Swoar an oath of Allegiance to him, wn they had taken one to Josiah, & his heirs; for so it must be, if ye case between us, & ye Jews was truly parallell, & yt they Swore to every King de facto, as we now required of us.

8. Our author begins his argumt with ye Supreme power, & yn descends to apply ye Allegiance to those Jewish Kings, who were tributary, & accountable, either to Pharaoh, or Nebuchadnezzar, and so were not Supreme, & thus he alters his case again: whereas by vertue of his conquest he should have appropriated ye oath of Allegiance to those forreign Monarchs, & proved yt ye Jews had so taken them: The Inference, which he truly can make from hence, is, yt forasmuch as ye Jewish Kings were exalted, & deposed by a forreign power, and so long as ye people paid obedience, & lived as quietly as they could under ye Kings imposed on them, yt therefore we ought to Swear Allegiance to one imposed on us, destructive to that faith already Sworn to another: He that shall consult Josephus. lib. 11. Antiq.

9.

10.

Antiq. cap. 8. & l. 12. c. 1. will find, that those of Jerusalem are said to be firme in maintaining their Oaths & promisses: and in ye former place ye High Priest Jaddus answereth ye messengers of Alexander ye great. That he had sworne unto Darius, never to bear arms against him during his life time, ag.st wch oath of his he could not act.

9. Our Author observed, yt Zedekiah by breaking ye oath of ye Lord to Nebuchadnezzar, though an unjust Conqueror, was delivered up with all, yt belonged to him, to destruction, & captivity. Wt yn may we expect for ye violacon of our solemn vows, & repeated oaths to our lawfull, & rightfull King? This very instance is very pertinent to make us cautious of what we have sworn, & inforceth us rather to keep an old oath, then by taking of a new one to break it:

10. Lastly to reconcile our present case to this present example of ye Jewish Kings, our author should have made an exact parrallell in all such circumstances, that necessarily relate unto ye oaths betweene ye Jews, & us, & so shewed, yt their Condition, & ours truly answer to each other; but this he hath not done, nor is it possible for him to do. He should have demon:

M.

demonstrated, that ye Jews did take such an oath
ab ovo to ye Rightfull regnant King, & his heirs
that on ye deposition, or Conquest of those Kings
ye Jews transferred those oaths on ye Conquerors.
And yt will follow yt they swore not to
Jehoiachim, Jehoiachim, or Zedekiah, but
to Pharaoh, or Nebuchadnezzar: & his confest
yt Zedekiah gave his oath to Nebuchadnezzar:
but is our author sure, yt he had given ye
same oath to his brothers, nephew, & their
heirs, or yt ye captive Rightfull King did not
release him from ye oath to him, & did not
consent, yt he should be in ye government. We
do not find in Scripture any oath imposed
by ye Conquerors on ye generality of ye Jews,
nor ye people to have taken any such; they
were also under a forcible violence by an
overturning Conquest: but we are said by our
author not to be conquered; and how
in those particulars do correspond our author
hath not ab yt been so happy, as to evince,
nor we to see. Instead of a plain conviction he
hath not been a little mistaken in his first
Scripture, nor much happier in his second,
viz. Eccles. 8. 2: where ye preacher adviseth us
to keep ye Kings Comandm^ts & that in regard

of

the Oath of God: from whence our author collects, that was ye manner of ye subjects of Israel, & Judah to make Oaths to their Kings. Grant it was even so, though it is but a slender ground for such a forward & general conclusion; what is this to ye purpose, & where is ye true inference? Because we must obey him, to whom we have sworn, ye're we ought to swear to him; that hath no legall hereditary right to command us: asmuch as we are to keep our old oaths, ye're we must swear to a new master; where lyes ye mighty consequence of this argument? Solomon was a lawfull, & Rightfull King, for God appointed him, & certainly none can have a better title; and such an one we have Recognized to be in King James: Now what recalls but arguing it to say, you, that have sworn, & shall swear obedience to your Rightfull King, beware to pay it; ye're beware to transfer your faith from your Rightfull governor to another possessor of ye throne: observe ye ye nature, & ends of governm^t & transfer your obedience from David to Absalon; for possession hath right to twelve parts of ye law, & Justice hath ye least share to any: Could our author have proved, ye Israel had sworn to Adonijah (ye elder brother), & his heirs, and that

Solomon

Solomon advised them to transfer that oath on himself, he would yn I confesse have stemm'd ye Tide, & secured his point.

But what will become of our author's argumt, if his Interpretacon of this text should not prove certainly true, & ye words should be taken not as a motive to obedience, but a limitacon of it? as if Solomon had said, keep ye Kings Comandmt, as far as it consistent with obedience, & your oath to God, who is to be obeyed rather then man. If Circumcision of old, nor any other ~~right~~ Rite of entring into Covenant with God, will not by our author's consent come under ye notion of an oath; yet certainly he must acknowledge of ye Jews, yt they did sometimes swear to serve God, as may be seen Nehem. 10. 29. & ps. 119. 106. now yt ye text is to be taken in ye sense of a limitacon, I have ye majority of suffrages from those few expositors, with whom I have conversed.

Under this text our author resumes ye example of Zedekiah, to which I have already spoken, & doe think it a very proper one to caution us how like him we break ye oath of God: Unhappy our Condition seems to be, who out of a fear to be destroyed by God for swearing, must be ruined by men for not swearing: I wish our author would

have

have resolved this Quere about Zedekiah whether
ye oath of God to him to Nebuchadnezzar would
have ceased to bind, if King Pharaoh, on whom
Zedekiah relyed for help, had vanquished Nebuchad-
-nezzar, & conquered Judea! This would have
explained ye case, & done good service in this present
debate: and ye rather I propound ye question, yt ye
might understand ye great difference between a
man's making void his oath himself, & helping
others to do it for him.

From ye old testam. our author proceeds to ye new
& tells us, that Allegiance is strictly commanded to
be paid to Usurpers. Augustus, & ye following Cæsars are said to be Usurpers but how properly
they are said to be such, wn ye Senate & people of
Rome had passed all their own Right of governm.
on them, which they could give, & ye world could give
no more, or how they can be said to usurp what
was given them, I cant well understand. But
let ym be called Usurpers, even as much as ye
Senate, as ye Senate had been on ye Kings: yet
still they were such governors, whose power was
owned by all, & gainsayed by none: they had ye
sole & soveraign Right, & none could pretend to
a better title. Inoffensive obedience was their due,
& for conscience sake Nero was to be obeyed:

By what arts soever Agrippina had advanced
Nero to ye throne, there was no illegal injury in
that

the very advancem^t done by ye Electing people to Britanicus, & his heirs. If ye people had sworn first to ye title of Britanicus, & his heirs, & after this in his life sworne to Nero, This indeed had been to ye purpose: But this cant be pretended with any face of truth, & y^r fore answers not our case.

Now in this, & in ye former instances, our author (as I have observed before) hath grossly confounded, ~~Obe~~ Obedience, Allegiance, & ye oath of Allegiance, and makes them all to be one, & ye same; & most illogically argues from Obedience to ye Oath of Allegiance, as it is apparent to any understanding Reader, who cannot but observe this shiffling prevaricacon.

The same manner of dealing is no less evident in ye frequent changing of ye fundamentall principles, on which he foundeth ye ceasing of ye old oaths, & insists for ye taking of ye new: Sometimes he relyeth on a compleat Forfeiture; Sometimes on a desertion, by leaving ye government; Sometimes on an undeniable Conquest by loosing ye Government; Sometimes on ye present possession, & pretended protection; & sometimes on ye consent of ye Nation: And each of these by a specious variation is accomodated to that part of the discourse, wch needed it most, & to wch it did most agree; so y^t he seems rather to add suppositions to his intended purposes, then raise a discourse on

agreed

agreed principles; he scarce dared to fix on one certain fundamentall; for if one of his principles were true, there was no need to explain any more; and it being impossible (as I have proved) yt all should be true, & truly satisfactory to conscience in ye present juncture of affairs; yt were to certainly have become ye duty of our author to have determined, which all he can was sure, & which satisfyed himself, & ought to determine, & satisfy other sincere men.

Now lest I should seem to prevaricate also by distinguishing betweene Obedience, Allegiance & ye bath of Allegiance; I will yrfore give ye sense of yse, which I take to be their proper meaning.

Obedience (though it may be made to comprehend ye other two) I take to be an entire submission to all ye just, & legal comands of a Prince in Right, & in deed; and to a Prince in deed, & not in right, in such things, as are not base, unjust, or inconsistent with former legal oaths, & precedent inviolable obligations in our particular civill callings, & stations.

Allegiance (or ligeance) is taken in a higher degree, yn ye obedience now stated, & imports such a service, & fidelity, whereby ye Subject is bound to serve faithfully his Soveraign with life, limb, estate

Estate, & terrene honour. In this sense he is a liege man, that is thus bound, & he a liege Lord, & Soveraigne, to whom ye Subject is thus bound, & accordingly 11. Hen. 7. faithfull service of Allegiance is to serve ye King in his wars, & comprehends not only Civill obedience, but military service; whereas Loyalty properly respects civill obedience, I know Allegiance frequently in ye late writers is said to be obedience according to Law, but herein neither ye ppriety of ye word, nor ye Etymology of it is truly regarded.

3. The oath of Allegiance (stiled ye oath of Obedience also) is ye ancient Fealty, & true service of ye Subject, confirmed by oath, accord:ing to ye form enacted 3. Jar. 1. to ye King, his heirs, & lawfull successors, with a Recognition of his lawfull right, & a renunciacon of ye Pope's power, & Jurisdiction in ye King's dominions, pretended to be in him, or derived from him; with a renouncing also of an absolution from ye said oath by ye Pope, or any other person whatever. If any one should say, yt this oath is principally levelled against ye Pope; very true; but withall let it be remembred, yt no person did pretend, nor was thought would pretend, as ye Pope did, to a Right, & Superiority in this Kingdome, & to a power of absolving from

from oaths. I know no Emperor, or forreign King, that doth; and what ye people hath claimed, or may pretend, is solemnly, & legally Renounced. 12. Car. 2. & 14. Car. 2.

I shall say but little on our author's two last cases of King James's return, & a regency; because they do not at present properly affect ye nature of ye oaths, whether old, or new: I shall make some remarks on both, & so dismiss them.

1. Tho ye return of King James with condition, or without, may be of dreadfull apprehension to our author; yet neither ye hopes, yt he would submitt to ye conditions, nor ye fears, yt he would not, do any way imply a necessity of resisting, or opposing him if he would not. To govern according to Law ~~was~~ were ye best condition, that he could be desired; & none but criminalls would desire more. Andrewe ~~was~~ this either pposed, or refused, ye pposal of a recalling him implyes, yt he did not desert ye Kingdome willingly, nor abdicate ye government voluntarily; & ye recall must be either by ye people, or ye Conqueror, or both; now if both should not agree, & ye people should vote a recall, what would become of Conquest & possessions; if ye Prince of Orange should determine for a return, what would become of abdication

N. votes

Votes, & vacating votes, ye Rights of ye People, & ye power of a Convention.

2 If ye promises, & oaths of K. J. for ye future would not signify any thing, because they have given but little Security for ye time past, what Security could our author give to King James, if ever he should return again.

3 Since our author asks one question abt. Conditions, I will also ask one about a return, whether old Allegiance would returne if King James should; for if it doth not what would become of our author's new oath to King William, if he should be driven out, & another take possession before he should enter ye Realm again? If possession be ye best ~~tenor~~ Tenure & casuist too, King William may quickly know where his best, & faithfull friends do not dwell.

4 The validity of ye oaths do not depend on returne, or not returne, with conditions, or without, but on ye invocation of God as a wittness, & a Judge to revenge ye falshood in not performing, what I legally promised to the King his heirs, & successors.

As to a Regency, which was proposed (as it is said) not as ye best expedient in it self, but to prevent something, yt some of ye protesting

Lords

Lords thought much worse; our author hath spoken very well in some particulars; but they conclude not against those, that were not for a Regency, but rather suggest most proper arguments, why they should not, & cannot swear to ye present settlement.

2. A Regency doth not divest a King of all power, as he says; if it doth of ye actual exercise of it, though in ye King's name, yet not of all rightfull power: if it do, where would it be lodged on ye death, or removal of ye Regent: if in ye —— King, how could he be divested of it, for where there is a right to ye Reversion of power, there is a right to ye power also.

3 If a title (as he saith) is a thing of no worth, & a meer shaddow, would not ye title in King James have signified as much as a title in Queen Mary, who is intrusted with as much administration, as King James would have been under a Regent?

4 I can't observe, how a Regency doth make as much against ye former oath, as ye present settlement; for affairs might have been managed in ye King's name, & no oath imposed in opposition to,

to, & contradiction of his Right, & to ye former oaths.

5 In appealing to ye Laws of St Edward the Confessor about ye title of a King, he tells us yt by misgoverumt a King (verum nomen Regis perdit) which words he renders not according to their proper sense, but disingenuously faceth them to his purpose by an unnatural interpre=tation of them (viz.t) forfeits ye title of a King as well as ye power this shews ye weaknesse of a cause, wn its little strength is borrowed from ye ill construction of words, which perhaps were never designed to favour ye cause, or strengthen ye argumt, or ever intended in yt sense, to which our author quotes them.

But though ye words should import as much as he pleaseth, yet they cannot contribute any support, or advantage to his cause; for as much as ye learned Dr Brady hath given just ~~cause~~ reason to suspect ye Laws of King Edward to be but a Monkish ~~[illegible]~~ invencon, and ye letter of Pope Eleutherius, out of wch they are more immediately taken, is certainly a forgery, as Sr H. Spelman has sufficiently shewn.

Thus

Thus I have considered every argument, yt is
urged by ye Letter to ye Bishops, & have not
waved any thing relating to ye said oaths yt
are said to cease to King James & ye transferring
a new one on King William & Queen Mary.
How ye Reader may be satisfyed I cant divine.
I am satisfyed, yt I have dealt honestly, in ye
managemt of this controversy, and should be
glad for conscience & quietness sake, if any
could show us as fair & as clear a discharge
from ye Missory oaths to King James, as we
can strongly charge our selves therewith.
They are legal oaths, imposed by legal
authority, & legally taken, & God comands us to
keep our oaths, & King James insists to demand
them, as his right to have, & our duty to pay.
Now show us as plain law, as plain Scripture, &
as sufficient a power, & authority, that can absolve
us from ye oath, & in which we must acquiesce,
yt ye old oaths do cease to bind, & ye new may, &
ought to be taken, & it shall suffice.
To all wch I add this pious wish, yt this land may
never mourn for swearing, nor any of it's peaceable
inhabitants be molested & undone for not swearing, yt
God would reclaim ye erroneous, & grant repentance
to ye transgressor, rectify our mistakes, & grant us a
right understanding in all things.

Finis

Theſes Medicæ
DE
Secretione Animali,
QUAS
FAVENTE DEO OPT: MAX.
Ex Auctoritate
D. D. GEORGII HAMILTON
Principalis Coll. S. LEONARDI
In Academia Andræa-politana, Et Ejuſdem
Academiæ Rectoris Magnifici,
NEC NON
Ampliſſimi Senatus Academici Decreto,
Pro Gradu DOCTORATUS in MEDICINA Conſequendo,
Publico Examini ſubjicit
JOANNES ARBUTHNOT *Auct. & Reſp:*
In Scholis *MARIANIS*

Ad Diem 11 *Septembris* Hora 10 *A. M.*

EDINBURGI,
Ex Officinâ *GEORGII MOSMAN*, *Anno Domini* M. DC. XCVI.

Adolescenti Ingenuo

EDWARDO JEFFREYS

Collegii Universitatis

APUD

OXONIENSES

Superioris ordinis commensali

Theses hasce

D. D. Auctor.

THESES MEDICÆ,
DE
Secretione Animali.

I. SEcretiones, in corpore animali, non fiunt per Fermenta cuique ſolutioni peculiaria.

II. Si aſſignandum eſſet cuique Separationi ſuum Fermentum, Sequeretur aut dari proceſſum in infinitum, aut illud extitiſſe in primo generationis tempore: Quantitatem ejus per integrum vitæ animalis ſpatium perpetuo minui, nunquam autem penitus abſumi debere: vitiatum in qualitate, aut quantitate, nunquam refici aut reparari; adeoque ægrotantem per hujuſmodi Fermentorum vitium, nullis remediis, quæ horum ſpecifica ſint, curari poſſe.

III. *Canales*, in quibus fluit refluitque *liquidum* corporis animalis, continui ſunt; ideoque *Percolatio* per particulas glandulæ cribriformes, prout vulgo explicatur, nulla eſt.

IV. *Glandula* eſt canalis ſummæ arteriolæ continuus, non ſolum per longitudinem extenſus, ſed variis modis plicatus, & undecunque per ambitum foraminulis inſtructus, quæ liquidum ſeperatum derivent; Hæc ſtructura in quibuſdam antopſia confirmatur, ſpeciatim in *Epididymide* humana; cujus evolutæ longitudo bis mille quadringentos pollices æquat, latitudo vix pollicem.

V. Omnis *Cohæſio* partium alicujus compoſiti, provenit ab earum nitu in mutuum contactum; quodcunque niſus iſtius gradum immutat, novum Compoſito inducit cohærendi modum, ſeu, quod idem eſt, cogit abire in novum Compoſitum.

VI. *Inſtrumenta*, quibus cohæſio partium ſanguinis in corporibus animalibus immutatur, ſunt 1mo. *Arteria Capillares* ſanguinem, in parvas moleculas, dividentes. 2do. Aer ſanguini admiſſus. 3tio. Varia longitudo, amplitudo, & inflexio *glandularum*. 4to. Immenſum decrementum celeritatis *liquidi* fluentis per canales inflexos. 5to. In quibuſdam caſibus, lucta ſive mutua impingentia ſanguinis fluentis ex oppoſitis plexuum arteriarum retiformium Lateribus. 6to. Varii, in diverſis partibus, Celeritatis & Caloris ſanguinis gradus: Præter hæc alia non agnoſcimus ad Separationes peragendas neceſſaria. In hiſce etiam conſiſtunt partium quarumvis temperamenta, ut neque hoc nomine opus ſit Fermentis.

VII. Decrementum celeritatis, in glandularum canalibus intortis, erit ut ſumma reſiſtentiarum in punctis flexionum *b. e.* ut ſumma angulorum: Periculum reſtagnationis liquidi fluentis erit in ratione inverſa celeritatis ejuſdem, & amplitudinis canalis, *b, e.* in canali dimidiæ amplitudinis, & liquido dimidia celeritate moto, quadruplex: hinc non mirum magnas contingere in glandulis Obſtructiones. Quantitas ſecreti liquoris erit, ut celeritas ejuſdem, in extremo canalis flexu, & amplitudo Canalis conjunctim.

Hinc patet Obſtructiones plurimas, atque plurium quidem morborum parentes poſſe tolli remediis celeritatem augentibus: adeoque theoriam mechanicis innixam Principiis praxi Medicæ præclaram utilitatem adferre.

A ſafe and eaſy Method for ſupplying the want of Coin, and raiſing as many Millions as the Occaſions of the Publick may require. Humbly offered to the conſideration of the preſent Parliament. With ſome Remarks upon the Bank of England, *Dr.* Chamberlain's *Bank, the* Land-Bank, *ſo called, and the* National Land-Bank. *1695.*

Ego certè reip. non deero; & quicquid acciderit, a quo mea culpa abſit, animo forti feram. *Cic. Cornificio.*

IT cannot be denied, that the want of good *Coin* gave riſe to the ſeveral *Banks* now on foot, by which many private Perſons have enriched themſelves, and more probably expect it, not without benefit to the Publick: It being evident, that every Summ paid by Bill of *Credit* is in effect, for the time the Bills do paſs, ſo much Money added to the *Coin* of the Kingdom. But it is to be preſumed, that the *Parliament* will give a check to that endleſs encreaſe of Bills of Credit, which, upon the failure of any of the *Banks* to anſwer in *Specie*, when generally called for, may prove a greater miſchief than that which they would remedy.

If therefore a way can be found to ſupply the want of *Coin* by Credit, and that Credit to have ſo true a Foundation, that it ſhall certainly be made good in *ſpecie*, and that within few years, which has not been pretended to by any Propoſer of Banks, this may at the leaſt deſerve to be conſidered in *Parliament*: where what is crudely propoſed may be maturely digeſted and improved, by the collective wiſdom of the Nation.

Wherefore it is propoſed,

1. That a Fund of 500000*l. per an.* more or leſs, according to the Summ to be raiſed, be ſettled for eight Years, or if for a longer time, a leſs Fund; and this may be of ſuch a nature, as may give general ſatisfaction: but to name a Fund which may be rejected, might prejudice a Method applicable to any good Fund.

2. Let the *Money* ariſing by the Fund be paid into an Office, to be erected at *London*, or within the Suburbs, to be called the *Crown-Bank*, or *Publick-Bank*: For which Office let there be as many *Commiſſioners*, or *Directors*, as the *Parliament* ſhall think fit; they to be intruſted to appoint *Collectors*, and other Officers, and to aſcertain their Sallaries, and the like.

3. At that *Bank* let there be drawn on *Vellom*, or *Parchment*, or thick *Paper*, made there, and imprinted with *Greek*, *Hebrew*, or ſome other particular *Characters*, in a *Mill* for that purpoſe, ſo many Bills from 5*l.* to 100*l.* ſigned by 5 *Commiſſioners* or *Directors* at the leaſt, as ſhall make up as many Millions as are wanting: let each of theſe Tickets have its particular *Number*, and the Year expreſſed in which it is to be brought back into the Office, and there diſcharged: Let the peices of *Vellom*, or *Parchment*, or thick *Paper*, be cut in the middle of the Impreſſion, and let that part which has the other half of the Impreſſion be kept in the Office, having upon it the ſame *Number* with the other, and a *Memorandum* of the Summ contained in it, and be ſigned as the other.

4. Let all the Bills be current at the Values expreſſed in them, and immediately paſs in all Payments as lawful *Coin*, and be

Assignable, and to be Lent out at Interest as Money. But if any Bill be not brought back into the Office in the *Year* appointed for it to come in, let it from thenceforth be wholly void: And after the Bills have been brought in, and the Money upon them paid, and the Account for that Year pass'd, let them be Cancelled.

* *This to secure the coming in of the Bills, yet they that are to come in last will be of like benefit with the first, save the last pass for Money, and may be disposed of, or put out at interest from the beginning.*

5. Let the *Mill* where the *Vellom*, or *Parchment*, or thick *Paper*, is imprinted, be fram'd at the place where it is to be used. And let it be *Capital* for the same, or any other of that kind, to be found elsewhere at any time, or there unbroken after the whole Number of Bills making up the appointed Summ, together with the *Counter-parts*, have been once imprinted; or for any Persons to counterfeit any of the Bills, or the Impression on the *Vellom*, or *Parchment*, or *Paper*, or to imprint more pieces of *Parchment*, or *Vellum*, or *Paper*, than the appointed number.

6. To prevent the confusion and uncertainty of hurrying in all the Bills of each Year at the end of each Year; let the Bills of the Year be brought in at any time after the first six months; and if the money which should pay the same be not come into the Office, let the *Commissioners* or *Directors*, give Bills of Credit upon *Vellom*, or *Parchment*, or *Paper*, of another Impression, for so much money as every Bill carries, payable within six months at the farthest, with Interest at 4 *l. per Cent.* till payment. And let it be Actionable, and highly Penal for them to refuse or neglect payment, if there be Cash for it, or not to give such Bills if Cash fail, or to imbezil the money, or to postpone Payments, or to employ it to any other use or purpose, than the payment of the Bills in the first place, next to the defraying the annual Charges of the Bank, and let the overplus be paid into the Exchequer.

7. In case the Fund shall be deficient in any Year, let what is wanting to clear the Bills and the Charges of the Office, be paid out of such money as shall be in the Exchequer; and if it be not paid before the then *next Parliament*, let it be supplyed out of the *next publick Tax*.

8. Let the *Commissioners or Directors* at the end of every Year Account to the *Lord Treasurer*, or *Commissioners of the Treasury* for the time being, who are to transmit the Accompt to Parliament.

If it be said, that these Bills being to come in within the year for which they are appointed, will not pass abroad in Foreign Trade. *Obj.* 1.

If that were so, possibly it might be an Argument to recommend them, as Riches kept at home; the chief Topick against regulating our Coin being the fear of enriching our Neighbours with it. *Answ.* 1.

However, this Objection would lie only against the Bills which are to come back within the first year, whereas there are enough of others which may lie out some Years, long enough for trafficking abroad with them, and making Returns, upon which the Money will be received in *Specie*. *Answ.* 2.

These Bills, if they were wholly kept within the Nation, as they in effect increase the money, will advance the home Manufactures, enable Traders to employ more hands, and so lower the interest of money, that we may buy and sell as cheap as our Neighbours; and by consequence turn the Ballance of Trade on our side, which is now against us, and therefore will bring mony and Bullion from Abroad. And this not being the only Coin we have, but an increase of it; there will be enough of Silver and Gold to send into foreign parts. *Answ.* 3.

If it be said that these Bills may be counterfeited, or at least they who are at distance from *London* cannot be assured of the contrary. *Obj.* 2.

There is as much security in these Bills as in any Deed, which may possibly be forged; but Forgeries happen so rarely, that they work no interruption of business, and common Credit. *Answ.* 1.

The Hands of so many *Commissioners* being required, there can be no part of *England* where the Hands of some of them will not be soon known. *Answ.* 2.

No true Bills can fail of being paid in *Specie*: And if the *Publick* should be charged with some *Counterfeits*, the Loss will bring no sensible inconvenience; nor can it bear any proportion with the vast benefit of such an encrease of the Wealth of the Nation, so seasonably applyed. *Answ.* 3.

No Objection will lie against these Bills, but what will be at least equal against those of the *Bank of England*, and all other *Banks*; which yet men are very ready to venture upon, with a much less certain pro- *Answ.* 4.

proſpect of receiving Money for Bills of Credit, or what may yield money when they have occaſion; which leads me to the conſideration of the moſt promiſing of the other *Banks*.

Of the Bank of England. The *Bank of England* has raiſed the King 1200000 *l.* and perhaps has ſaved him 200000 *l.* in the Remittances of money. This has a Fund of 100000 *l. per An.* for 12 years abſolute, and for ever till redeemed by *Parliament*; which is in effect a perpetuity, and if employed as above for 100 years, is worth 10 Millions.

This *Bank* is ſaid to have paid 1200000 *l.* in to the *Exchequer* in Money and Bills, before one Third of it was advanced by the Subſcribers: and to this day but 60 *l. per Cent.* is paid in; and yet that 60 *l.* ſells for 100 *l.* notwithſtanding large Dividends, and the loſs perhaps of 200000 *l.* by the foreign Exchange, beſides ſuch Bills as they have publickly made known to have been counterfeited, and all wherein they have concealed their Loſſes.

This has been done by the help of Bills of *Credit*, though there could be no certainty but money might be called for faſter than it came in: Nor is it certain, as it would be in the *Crown-Bank*, that the *Credit* ſhall not extend, not only beyond the Fund, as it has already, but farther than they can Anſwer in payments. Tho foreign Merchants may take their Bills, becauſe of their commerce here; it is viſible that it has not yet obtained *Credit* with the Bank at *Amſterdam*; for if it had, it could not have loſt ſo much by the Exchange; nor is it to be ſuppoſed that it ever will gain full *Credit* there, becauſe of the extent of its *Credit* at home beyond the real Fund.

Of Doctor Chamberlain's Bank. *Doctor* Chamberlain's *Propoſal as far as I can look into the Myſtery, is this.*

IF a man makes over 150 *l. per annum.* for 150 Years, to ſecure the payment of 100 *l.* yearly into his Office, in money or his Bank Bills, for 100 Years; and alſo pays 1000 *l.* in Money at 4 payments, 400 *l.* at ſetling the Eſtate, 300 *l.* at the end of the firſt year, 200 *l.* at the end of the ſecond 100 *l.* at the end of the third; he ſhall have Bills for 6000 *l.* including his own 1000 *l.* of which 1000 *l.* when he ſeals, 1100 *l.* at the end of the firſt year, 1200 *l.* at the end of the ſecond, 1300 *l.* at the end of the third, 1400 *l.* at the end of the forth, beſides 2000 *l.* in Bills, which with his 400 *l.* advanced ſhall immediately be paid to the Treaſurer of the joint Stock in Trade, to which 600 *l.* muſt be added as it comes in, and the party muſt pay 5 *l. per cent.* yearly for the whole 8000 *l.* for the charges of the Office; and if men will lend Money, he propoſes for 1000 *l.* to pay 1400 *l.* in 4 years. Where its obſervable.

1. Whereas the Office pretends to but 5 *l. per cent.* it is a full fifth of the whole value, for it is 2000 *l.* Bills to the parties 8000 *l.* except his own 1000 *l.* and 'tis better than a third of what he receives to diſpoſe of, ſhould we admit that his bills will circulate.

2. He is ſo far from ſuppoſing that theſe Bills will ever be paid in *Specie*, that he makes no manner of proviſion for it, but allows the annuity, which is the fund for the Bills, to be paid in Bills: and ſo the Bills are to carry themſelves from the *Bank* and to the *Bank*, without any Circulation or Profit.

3. The Circulation, if any, muſt be performed at the very beginning by one upon ſeven and an half, 400 *l.* being all that is to be paid till the end of the firſt year to circulate the 1000 *l.* in Bills received by the party, and the 2000 *l.* in Bills put to the ſtock of Trade; unleſs what is accidental upon the coming in of Moneys lent, which in truth, clogg the Bank with 50 *l. per annum.* loſs for every 1000 *l.* and that money will be no more than is requiſite to clear incumbrances upon Eſtates ſubſcribed.

And if any part of the 400 *l.* firſt brought in be employed in Trade, that, before profitable returns, leaves the leſs to circulate the Bills, and if half be employed in trade 1 *l.* muſt circulate 15 *l.*

4. If the Annuities were to be paid in Money, which would be very hard upon them who have the Bills dead by them; yet the diſtance of 100 years makes it very queſtionable what 150 *l. per annum* ſhall hold out 100 *l. per annum* in all Events.

5. If this were practicable, it would be far from anſwering the great end which the *Doctor* does, or ought to propound, of leſſning the burthen upon Land; for either men with encumbred Eſtates muſt not come

in, or if they do, they will greatly abate the poſſibility of circulating the Bills.

Suppoſe a man of 150 *l. per annum* owes 1000 *l.* and takes up the 1000 *l.* which he muſt advance; or ſuppoſe only the firſt 400 *l.* be in Money, but for the reſt he may bring the Bills he received from the Bank.

In the firſt caſe, he has occaſion for five times as much money as a man of a clear Eſtate brings to the Bank; if only the 400 *l.* be to be paid in mony, then indeed he will have occaſion for leſs then 4 times as much as the other brings, but by the ſame rule there may never be more than the firſt 400 *l* for every 150 *l. per annum.* ſubſcribed to circulate all the Bills. But if the man owe 1500 *l.* he is excluded from all benefit of this Bank.

6. The Lender will expect better ſecurity than can be found here. Shall he reſort to his own money? That is lent out to ſubſcribers of Land. Shall he go to their Land? that is made over to anſwer the Annuities to the Bank in its *Bills* or *Money*: If in Bills they are never likely to yield money; if in Money, that muſt be laid out to purchaſe Bills, and they are to be cancelled; If to the Stock in Trade; that is firſt to anſwer the intereſt of 3000 *l.* to every ſubſcriber of 150 *l. per Ann.* and let the Lender catch the reſt where he can.

It is needleſs here to object the want of ſufficient certainty, that the Bills of *Credit* ſhall come in upon any other account than their lying dead; or that the Governours of this Bank ſhall not miſmanage in ſeveral particulars, which might require parliamentary proviſions.

Of the Land-Bank ſo called.

The *Lincolns-Inn, Exeter-Exchange, Aſgill Bank*, or whatever Name you will give it, rather than that which it aſſumes of *Land-Bank*, has a Subſcription of 500000 *l.* with which 4 expeditious Gentlemen who are *Directors* and *ſtanding Council*, pretend to paſs ſo many real Securities as ſhall make to the Bank 30 *l. per Cent.* at 3 *l.* 10 *s. per Cent.* but as it is ſaid 1 *l. per Cent.* more goes for the Writings, and Mr. *Asgil* and another have 5000 *l. Credit* in the Stock for the Invention; ſo that they and the Councel are ſure to get well if the Bank ſhou'd have no *Credit* beyond the Summ ſubſcribed, in which caſe the *Bank* would not get 2 *l. per Cent.* conſidering the Charges, the Time the Money muſt lie dead before Securities paſs, and the 2 *l. per Cent.* upon their Bills, as long as they paſs. Howeves they propoſe to themſelves to raiſe 30 *l. per Cent.* by Bills of *Credit*, upon the particular Eſtates conveyed to the Bank, which Bills are to carry 2 *l. per Cent.* intereſt from 6 months to 6 months, and to charge Men's Eſtates till 6 months notice for their coming in: yet if Landed-men could have money no where elſe at their Rate, and there were no flaws in their Settlement, they might not be much out in their reckoning.

But I cannot ſee how they can ever lend to the value of their Subſcription, becauſe,

There is an other *Bank* much better ſounded, and with fairer pretentions to a *Parliamentary Eſtablishment*, which will lend at 3 *l.* 10 *d. per cent.* and where the Borrower may clear his Eſtate when ever he pays his Money; nor is it improbable that the *Bank of England*, and ſuch other *Banks* as are, or may be on foot, will ſo ſink intereſt, that money will be commonly had elſewhere at the ſame rate, nay is already often let out at 4 *l. per cent.* *Obj.* 1.

The ſettlement empowers a ſervant of the *Bank* to charge any man's Eſtate in the name of the *Truſtees*; they declare themſelves chargeable only with *wilfull Fraud*: how then ſhall a man be ſecured againſt the Servants, granting out double the due number of Bills, where all that receive them ſhall have a like claim to be ſatisfied out of the Eſtate? *Obj.* 2. *The* vid. *printed Settlement.*

Their Bills of Credit being deſigned to charge the reſpective Eſtates, as long as the bills upon them are out, or till ſix months notice for their coming in; can any man be ſure to have his Eſtate cleared till ſix months after the paying the money which he owes? Or what ground of certainty is there, that ſix months notice ſhall be duely given for the diſcharging his Eſtate at the end of ſix months? If it be ſaid the ſubſcriptions and inſurance Fund are their ſecurity, that the Bills ſhall never trouble them. *Obj.* 3.

1. The Subſcription Money all but 10000 *l.* for inſurance muſt be ſuppoſed to be lent out in Mortgages, and no Eſtate can or ought to be a ſecurity that an other mans Eſtate ſhall be cleared upon bringing his Money.

2. Tho' they have acted a good while, it does not appear that the 10000 *l.* or any part of it is yet laid out, notwithſtanding their Covenant or Promiſe to purchaſe with

with it a *preſent Fund* for inſurance.

3. That Fund is to be farther ſupplied only with 10 *s. per cent* out of ſuch intereſt as they ſhall receive; which, if the whole 500000 *l.* were let out, would be but 2500 *l. per annum*, and if but 100000 *l.* but 500 *l. per annum*, which muſt be charged with bad Bills as well as with the good ones lying out, and poſſibly with a charge yet more heavy from the defects of their ſettlement. Beſides the Subſcribers will certainly expect to be firſt ſerv'd with at leaſt 2 *per cent.* before they will ſuffer any part of the profits of the Bank to be laid out for this purpoſe.

4. No ſecurity is equal to the actual clearing an Eſtate, when the money due upon it is paid: and it will be impoſſible for many to raiſe the Money by the ſale of any part of the Eſtate, or otherwiſe, unleſs the Eſtate can be aſſigned over abſolutely clear at the time of payment.

Obj. 4. Their Bills not being intended to charge all the Eſtates conveyed to their *Truſtees*, but only particular Eſtates reſpectively, ſome of which may fail; the apprehenſion which any man may juſtly have, that his Bill is charged upon ſuch an Eſtate, muſt needs hinder the currency of their Bills.

Obj. 5. Will it not be a fatal Objection againſt their Bills, that he who has one may have miſlayed it, or returns not from abroad till the ſix months expire, or might never have obſerved the Notice, and yet his Bill ſignifies no more than if it were charged upon a bad Title? And where ſhall he have his remedy?

Shall he ſue the Truſtees? They declare before hand they will be anſwerable only for *Willful Fraud*. Shall he lay hold of the Fund for inſurance? That is yet in the land of Promiſe, and where ever it is, will be loaded with clearing the Borrowers Eſtate from Supernumerary or other bills lying out, and with making good bad Bills, beſides this of paying Bills when the Eſtate on which they were charged is gone. Shall the Truſtees be obliged to aſſign any one of the other Mortgages? They are to bear only their own burthen of Bills, and enough too, if their deſign could take.

Obj. 6. Suppoſe a Bill be charged, as far as it can be by their method upon a good Eſtate, ſhall the man who has the Bill reach this Eſtate by Law or Equity?

I take it by neither: And that this may appear by a bare repreſentation of the *projected Settlement*.

The *legal Eſtate* is ſetled upon the *preſent Truſtees*, and that by a new term not known in our Law, is to attend the equitable *Intereſt*, which is to veſt in *New Truſtees* to be choſen from time to time, and that by virtue of their Election, without any *actual transferr or aſſignment*; and they to whom the equity was never transferred, are to charge an Eſtate to which they have no Title; and this not by their immediate act, but by their Servant receiving power from them, and that in and by the name which they *aſſume* without Authoriry, not being incorporated; and this charge is to be made barely by the Servant's reference to a Book where the Eſtate is entred, tho' that reference names not the party whoſe Eſtate they would charge, nor yet the Eſtate, leaſt the Bills upon that Eſtate ſhould not paſs. Theſe bills not being perſonal charges; vid. *The printed Settlement.*

Whether the party that receives them be in as good a condition, as he that receives a Note from a *Bankers* man? *Quere* 1.

Whether this perverſion of the nature of Bills of Exchange, which hitherto have been perſonal, and now are turned upon Land (which can neither anſwer nor receive Letters of Advice, nor be out of countenance when bills are proteſted) be not an invention as new to the *Lawyers*, as to the *Merchants*? *Quere* 2.

Suppoſe the Bank lend 10000 *l.* to a man, who after ſetling his Eſtate to the uſe of the Bank, according to this new contrivance, mortgages to an other who knows nothing of the firſt mortgage, for 10000 *l. Bona Fide* paid. *Obj.* 7.

Whether the ſecond mortgagee ſhall not in equity compell the firſt *Truſtees* to aſſign the *legal Eſtate* to him, and exclude the *new Truſtees* from an *Equity*, which had been no otherwiſe veſted in them than as above? And what regard in this caſe, would the Court of *Chancery* have to the intended charge upon the Eſtate, by that blind and inauthoritative reference to a Book of entries? *Quere*

Or ſuppoſe the *Truſtees* to whom the ſtate was conveyed, and are likely to be diſobliged by being voted out of the truſt of the *Equity*, which is deſigned to govern the *Legal Intereſt*, ſhould join with the

Mor-

Mortgagor in assurances to others; who would be in the best condition those other persons or the Bank?

Of the National Land Bank.

In such difficulties are these *Gentlemen* involv'd, by running in the Dark beyond their Guide, Mr. *Briscoe*, who sometime before they set up had made a very rational Proposal, for turning all the Land of the Kingdom which shall be conveyed to *Trustees* for the use of the Bank, into a *living Stock*, and easing others of their excessive Loads; by bringing a million of money to circulate 4 millions of Bills, charged upon Land and Money, the whole Fund making good every Bill.

Yet no Man's Land is to continue in longer than he pleases, but he may withdraw it at any time, paying the money which he has taken up there, and his proportion of loss if any has then happened. And whether he has occasion for money or no, he is to take up one Years Revenue of his Land, that the *Bank* may be the first *Mortgagee*, if after settling his Estate he should borrow elsewhere, and then take up money of the *Bank*. Indeed Mr. *Neal* has added to this, Bills for an other Years Revenue, to be lent the *Bank* as so much *Cash*: But I do not see how these Bills can yield more *Credit* than those which the *Directors* have power to charge upon the whole Fund, and consequently upon every particular Estate.

But as the Bills are likely to be current to the value of the Fund, and all the *Land* mortgaged to the *Bank*, for so much as is borrowed becomes *Fund*, though not entituled to Profit and Loss; the Fund for making good the Bills, may extend as far as the Occasions of the Landed-men; and therefore the Bank's Bills may pass as far, with the help of such money as will flow into it. When the Values of the Lands and the Titles are ascertained, they cannot fail of being a Fund of *Credit* for 3 4*ths* of the value; and therefore he who subscribes 100 *l. per Ann.* is to have credit for 1500 *l.* and his share in the Bank accordingly, and yet shall receive the yearly Income, paying his proportion of loss, and such *Money* or *Bills* as he takes up; and as the Interest which himself pays is part of the profits in which he shares, it is highly probably that he cannot pay 2 *l. per Cent.* after the first year, and after that would receive more *per Cent.* than he had paid.

On the other side, he that subscribes 1500 *l.* shall have equal Advantages with the subscriber of 100 *l per An.* and 3 *l. per Cent.* for the whole from his first payment, nor can his money be called in faster than at 10 quarterly payments: But if he chuse to pay faster, he may have Interest at 3 *l. per Cent.* for all above the payment then due; yet some of the present *Directors* lodge many Thousands there without interest.

And if we may conjecture by the encrease of *Credit* in the *Bank of England*, wch. has a much less, and less certain Fund, it is not to be thought that more than half the subscription-money need be called in, and then they will have 6 *l. per Cent.* certain besides their share in the profits.

Though these payments may seem too slow to set the *Bank* in credit, especially after the *Coin* is regulated, and men will be less fond of Bills than they have been; yet such a Fund can never fail of commanding money where it is needfull; nor will men unnecessarily call for money, while they can have so good Bills; especially if this Bank were established by *Act of Parliament*: in consequence of which it would soon become a Registry for most of the Lands in the Kingdom, and if it were made so for such as would voluntarily enter their Lands and Incumbrances, or the Claims which they have; and were 100000 *l. per An.* settled for 40 Years for 1600000 *l.* to the publick (whereas the *Bank of England* has in effect a perpetuity for 1200000 *l.* it would make this *Bank* no mean Rival to that of *Amsterdam*; besides the raising *Land* to 40 Years purchase generally, and that in *Bank* to much more.

Nor can it be thought that the *Landed-men*, who must needs have the prevailing Interest in *Parliament*, can long neglect those Advantages, which would set them upon an equal bottom with the *Traders* and *Usurers*.

The most weighty Objections which I have met with against this *Bank* are these two.

That the subscribers of Money are not secure, because the *Landed-man* may withdraw his Estate. *Obj. 1.*

But it is to be considered, That this hazard is the same to every Landed-man that continues in, and besides, all bear their proportions while they stay in, and pay at *Answ. 1.*

their

their going out; and therefore are upon equal hazard.

Answ. 2. If I miſtake not, the *Monied-man* may have *Credit* for 3 4ths of the value of his whole Subſcription, and extend that *Credit* in *Bank* bills; and if this uſe of his Stock would not for that time be like a With-drawing ſo much; yet if he ſhould never be able to bring this back to the Bank, this might be worſe than a *Land-man*'s with-drawing his Land.

Answ. 3. The Subſcribers of Land either come with clear Eſtates, or owe Money upon them: In the firſt caſe the monied Man has great reaſon to be thankful, that they give the Bank Credit for 2000 *l.* actually conveyed, and in effect brought in, to every 1500 *l.* ſubſcribed in mony when but a 10th. part is paid in, and poſſibly there may never be 4 10ths more. And if any Landed men ſhould withdraw, the Benefit that is expected, and would be certain, when ever Eſtates to the value of 2 or 3 Millions were ſetled, would bring in enough of clear Eſtates, when they ſaw the certainty of receiving their Revenue, and yet having large Intereſt, as if they had advanced 1500 *l.* for every 100 *l. per Ann.*

If the Eſtates are encumbered, it muſt be under 3 4ths of the value, or they cannot be admitted into the *Bank*; but if all the Subſcribers of Land took up the 3 4ths, the monied Man's profit would be the greater, and ſuch men the *Bank* is ſure of till they can pay their money, and in the mean while it has their Eſtates as a *Fund* of *Credit*, not only for that money, but for the remaining 4th which the *Land-Bank*, ſo called, cannot pretend to, any farther than as a Security for the money borrowed upon the reſpective Eſtates.

Obj. 2. The other Objection is, what lies as well againſt the *Bank* of *England*, and the *Land-Bank* ſo called, which is the poſſibillity of bad Titles, and counterfeit Bills.

Answ. 1. But the loſs upon either, or both, muſt be firſt out of the Profits, and if, Loſſes excepted, but 3 *l. per Cent.* were clear'd, that would be 150000 *l.* which no man can imagine ſhould be loſ'd in any year. And there is no doubt, but the reaſonable expectation of a much greater gain, will induce numbers of prudent men to venture with clear Eſtates. However the *Bank* could ſtand without them, and no man who owes 1500 *l.* or 1000 *l.* upon 100 *l. per An.* can poſſibly be diſcouraged from ſuch a method of leſſening his burden; nor is it to be thought, but many would come in, if it were for no other end, but to ſet an example for ſuch a National Good, as has been wanted for many Ages.

vid. *The Letter from a Citizen concerning the Land-Bank.*

Indeed Objections have been publiſhed by ſome body concern'd in the *Land Bank* ſo called, which have ſo little in them, and ſo much miſtake plain fact, that thay hardly deſerve notice, as,

Obj. 1. That Mr. *Briſcoe* propoſes 3 millions Fund, one in Money, two in Land. When the propoſal is for 5 millions, and but one in Money. So that whereas the profit to the moneyed man is ſuppoſed to be one 3d. beſides his 3 *l. per cent.* it is but one 5 *l.* of the whole.

Obj. 2. He will have all the profit to the Subſcribers, to ariſe by taking running caſh at 2 *l. per cent.* and letting it out at 3 *l.* upon which he raiſes a vain calculation how many millions at 1 *l. per cent.* clear profit muſt circulate to make 6*l. per cent* to the Subſcribers.

Not conſidering that this would be an Objection againſt their *Bank*; for if neither can extend its credit beyond the money in *Bank*, or advanced in *Specie*; it were to no purpoſe to pretend to a *Bank of Credit*.

But ſuppoſe the million ſubſcribed in money ſhould circulate but the ſingle value of the original Fund, which is all as money to help circulation, this would turn to much better account than with reaſon can be expected in their *Bank*, as will appear by the next Objection.

Obj. 3. He ſays, the inequallity of Intereſt between the Land and Money Subſcribers can admit of no reconciliation for 3 *l. per cent.* gain, raiſes the money'd man's Intereſt but to ſix, and yet makes the landed man borrow money for nothing.

Whereas if this be done with half the ſubſcription money paid in, the mony'd man has at the rate of 12 *l. per cent.* and then he need not envy the landed man the advantage which is not gained by the money only, but advanced by the credit of the Land; which, as was before obſerved, is 2000 *l.* actually conveyed to 1500 *l.* ſubſcribed, and but half that paid and perhaps much leſs, when yet, if I miſtake not, the money'd man ſhall have credit to ſupply his occaſions for three forths of his Subſcription.

Obj. 4. It is urged that the Land Subſcribers being the majority, the money muſt be diſpoſed of at the will of the borrowers.

Answ. But wherein they can prejudice the money'd man, I cannot underſtand.

Can they call in the money too faſt? This cannot be faſter then at 10 quarterly payments,

ments, whereas the landed man conveys his Estate at first, and the more money is called in, the more is supposed to be let out at interest, which each shares in according to his proportion. Can it be thought the landed men will the rather encline to put the money out upon bad securities? that becomes a charge upon their own land, and whatever advantages they make to the Bank, redound to the others benefit; and they who have the largest stake there will be more concerned for improving the stock, than they who may venture a little there, the better to raise the much greater interest which they have elsewhere: and yet no landed man, how much soever he has subscribed, can have more then 5 Votes.

Obj. 5. There is an other Objection, not to have been expected from one of that other *Bank*, which is the inconvenience and hazard that Mr. *Briscoe*'s subscribers may meet with, by *an unprecidented settlement of their Estates.*

Answ. But as I cannot find any President for their fanciful Settlement; neither can I apprehend any difficulty in settling an Estate upon Trustees, to be subject to its proportion of Loss and Gain; nor can the fear of Loss reasonably deter, where the Gain is so probable and inviting.

I must needs say it has not appeared to me, that ever any body before Mr. *Briscoe* proposed a practicable Scheme for this, and yet Sir *William Petty* seems in the year 1682, to have had something of the like kind in view, when to the Question.

Sir *Wm. Petty's* quantulum cunque *concerning Money.*

'What Remedy is there if we have too 'little money?

He says.

'We must erect a *Bank*, which well com-'puted doth allmost double the effect of our 'coined money; and we have in *England* ma-'terials for a *Bank* which shall furnish stock 'enough to drive the Trade of the whole 'commercial World.

The hint of so great a Man is not to be despised: at least shews, That *Banks of Credit* are not to be lookt on as vain projects. In this belief I am farther confirmed, by perusing a Treatise now in my hands, wherein a Person of great Judgment and Experience not only holds, That it is necessary at this time for the Parliament to appoint Bills of Credit, but that they may be effectual with only Parliamentary Security, without any particular present Fund.

vid. Mr. *John Blackwell's Essay towards carrying on the War against* France.

And if I am not much mistaken, it appears by what I have observed of other Banks, that the *Crown Bank* which I propose, to supply the present Exigencies, is lyable to no Objection, but what will fall upon the best of the others: and that all but the National Land Bank labour with Objections which cannot be urged against this. For the recommending of which it may be observed.

1. That here is an absolute certainty that the Credit shall never be stretched beyond its real and certain Fund, which shall yield *in Specie* all the Money for which it gives Credit.

2. Till the Money is paid by the publick, the Bills will be as Money, and passing as such from one to an other, are as capable of yielding interest: and consequently there will be no need of the Crowns, paying interest, when it at the very first pays Bills, which are current, not only becaus they shall in their time be paid in Money, but in the mean while are as true a Medium of Trade and Profit. This therefore in few years time would save the Nation some Millions as well as yeild Millions for the present occasion.

3. Whereas it will be some years before the benefit of the best of the other Banks can be diffused over the whole Nation; this may be in few weeks, as soon as the Bills can be finished, and delivered out.

4. If there be any apprehension that other Banks may be too powerful, or may be a means of ingrossing Commodities, and enhansing their Prizes; this has its certain limits, and reaches no farther, than the necessities of the publick require.

5. Forwardness to close with invitations to honest profit, may lead the Directors of other Banks to pass bad Titles, or what was fairly adventured may miscarry: But the *Crown-Bank* proposed is, in its nature, as firm and stable as the Foundations of this *Monarchy*; which can never be moved, but by such a Calamity as should leave us no visible means of continuing a protestant Nation, or free people.

By Wm Atwood of Grays Inn 1695

FINIS.

London, Printed for *Roger Clavel*, at the *Peacock* in *Fleetstreet*, 1695.

London, Printed for *Roger Clavel*, at the *Peacock* in *Fleetſtreet*, 1695.

36 4157

THE Moſt bleſſed and trueſt NEWES FROM IRELAND,

SHEWING,

The fortunate ſucceſſe of the Proteſtants, And Gods juſt vengance on the Rebels.

WITH

A Liſt of the Proteſtant Commanders, and the chief of the Rebels Commanders, and the Townes that the Proteſtants have relieved.

With the humble Petition of the Baronets, Eſquires, Miniſters, Gentlemen, Freeholders, and others peaceably affected in the County Palatine of *Lancaſter*, to the Kings moſt Excellent Majeſty.

With his Majeſties Anſwer thereunto.

London,
Printed for *T. W.* and *G. H.* 1642.

The Grenville Library

36 4157

THE Moſt bleſſed and trueſt NEWES FROM IRELAND,

SHEWING,

The fortunate ſucceſſe of the Proteſtants, And Gods juſt vengance on the Rebels.

WITH

A Liſt of the Proteſtant Commanders, and the chief of the Rebels Commanders, and the Townes that the Proteſtants have relieved.

With the humble Petition of the Baronets, Eſquires, Miniſters, Gentlemen, Freeholders, and others peaceably affected in the County Palatine of *Lancaſter*, to the Kings moſt Excellent Majeſty.

With his Majeſties Anſwer thereunto.

London,
Printed for *T. W.* and *G. H.* 1642.

The Cambridge University Library

A Liſt of the Proteſtant Commanders, and the chiefe of the Rebels Commanders, and the Towns that the Proteſtants have releeved.

The Proteſtant *Commanders*	The chiefe *Rebels.*	Towns releeved *by the Proteſtants.*
Lord *Ormond.*	Earle of *Care.*	*Athy.*
Lord *Brabaſon.*	L. Viſ. *Mountgarret*	*Killirush.*
Earle of *Baramore.*	L. Viſ. *Ikerin.*	*Drogheda.*
Lord *Liſly.*	Lord *Dunſane.*	*Caſt. Tippar.*
Earle of *Kildare.*	L. Bar. of *Dunbony.*	*Caſtle Catherlaugh.*
S. *George Wentworth*	L. Bar. of *Logmoe.*	*Clonghgrenan.*
Captain *Armſtrong*	Earle of *Wickloe.*	*Wicgloe.*
Lord *Tore.*	Earle of *Waxford.*	*Ballilenon.*
S. *Thomas Lucas.*	Bar. of *Catherlaugh*	*Caſt Rebon.*
Lord *Thomond.*	Lord *Muskro.*	*Strudbally.*
Sir *Rich. Greenvile.*	Lord *Looſton.*	*Ballinekill.*
Colonell *Monk.*	Lord *Delvin.*	*Dert.*
Captain *Scout.*	Lord *Arklo.*	*Knockardnegurrath.*
Lord *Lambart.*	Col. *Fitz Gerard.*	*Burres.*
Lieut. Col. *Loftus,*	Captaine *Demſey.*	*Knocknemeaſe.*
Sir *John Sherlock.*	Col. *Hugh Byrne.*	*O Duns.*
Serj. Major *Warren.*		*Portnehint.*
Serj. Major *Paget.*		*Clogham.*
Serj. Ma. *Willoughby*		*Kingſale.*

Bleſſed Newes from Ireland.

SIR,

Since many idle rumours are divulged among you, concerning the preſent condition of *Ireland*; ſome of which are improbable, other are ſo doubtfull, that men have juſt cauſe of ſuſpition not to believe. My purpoſe is therefore at this time intended perfectly to reſolve you of the trueſt affaires, and moſt reall eſtate of all *Ireland*. The Lord *Ormond*, the Earle of *Kildare*, the Lord *Brabazon*, Cap. *Armeſtrong*, Quarter-maſter Generall of the Horſe, and Sir *George Wentworths* troupe, under the command of Captaine *Herman*, every one with their ſeverall forces overcame the Caſtle *Tippar*, which the Rebels had poſſeſt, taking from thence great ſtore of *Ammunition*, who marching onwards with great courage to *Kilcullin*, burned by the way many Villages of the Rebels; and from thence marching to *Athy*, burnt the Caſtle and Towne of *Kilkruſh*, belonging to the Rebellions Colonel *Fitz-Gerald*; from thence they took great ſtore of proviſion, which the rebels before had taken from the *Engliſh*. Then Sr. *Patrick Wymes* bringing us a freſh ſupply of ſouldiers, conſiſting of 500. Foot, and 100. Horſe, the *Engliſh* Army marched to the Caſtle of *Catherlagh*, where the Lord *Pelvin*, Earle of *Weſt-Meath*, the Lord *Mountgarret*, the Lord *Loopon*, reſiſted them

with ſtrong forces, but our men had undaunted ſpirits, and feared them not in the leaſt reſpect, and wee having the advantage of them, being on a hil, gave them three vollies of ſhot, before they came within ſhot of us, and continuing very eager with them, we took the L. *Muskgroo* priſoner, & ſlew about nine ſcore more, then they fled & yeelded up the Caſtle. From thence we marched to *Cloughgrenan*, a caſtle of great ſtrength, and conquered that alſo; but the Rebels perceiving their approach, fired the towne; but Captain *Harman* knowing that part of the Countrey very well, followed them, and ſlew a great number of them, and relieved 5 hundred Proteſtants, exceedingly diſtreſſed there. Then we marched on, and relieved Captaine *George Grehams* Caſtle called *Ballilenon*; and by the help of the Lord Lievtenants, and Sir *Thomas Lucas* troups, *Caſtle Rebon* and *Pert* were removed. Marching to *Stradbally*, we ſlew many paſſing over the River *Barron*, where the Rebels are encamped; and marching to his Majeſties fort of *Mary-borough*, by the helpe of the Lord *Liſlyes* forces, they relieved *Ballynekill*: Marching onwards, wee killed threeſcore Rebels at *Knockardnegurrah*, the other fled, and yeelded up the towne. The Lord *Lievtenant*, the Earle of *Baramore*, the Lord *Poore*, Earle of *Alentia*, the Lord *Thomond*, Sir *Thomas Lucas*, Sir *Richard Grenvile*, Captaine *Armeſtrong*, and Captaine *Scout*, with their ſeverall Troups & Forces, relieved *Burros*, the Duke of *Buckinghams* Caſtle, and paſſing the River *Noare*, neere unto *Florence*, *Fitz-Patrick*, there was a ſtone Cauſe-way over a Bog, and paſſing thereby, we killed many Rebels, and relieved three hundred Engliſh Priſoners. Then they relieved *Knocknemeaſe*, and in the

the morning *Fury*, and put foure or five hundred English therein, who had endured a long ſiege by the rebels. In their returne back they burnt the Country of *O Duns*, till they came to *Caſtle-Ruffe*, and by the help of Colonell *Monke*, and Captaine *Treſwel*, the one commanding the *Lord Generals*, and the other the Lord *Liſlyes* Horſe-Troops, ſlew foure hundred at the paſſage of *Portnehint*, poſſeſt by the rebels. S. *Patricke* relieved the Engliſh in *Ballynekill*, who were in great diſtreſſes for want of victuals, ſending the eighty Barrels of Wheat and Beere belonging to *Dempſey*, a notorious rebell: all whoſe villages they burnt, eſpecially the Territory of *Clanmaleero*. Foure miles from *Athy* at the Bridge of *Magainy*, were about ſeven thouſand Foot, and two hundred Horſe of the rebels, conducted (as the Priſoners taken told us) by Viſcount *Mountgarrat*, the Lord Viſcount *Ikerin*, the Earle of *Care*, the Lord *Dunſane*, the Lord *Aſtry*, the Lord Baron of *Dunbony*, the Baron of *Loghmoe*, and moſt of the principall rebels, of the Counties of *Wickloe*, *Wexford*, *Catherlaugh*, *Kildare*, *Kilkenny*, and *Queens County*, who drew up part of their Forces to *Pankardſtown*, neere *Grang Mellon*. By the directions of the Lord Generall, Cornet *Butler*, and Cornet *Magrah*, were ſent to diſcover the rebels, and their Forces being underſtood to be ſo great, a Councell of of Warre was called, and it was debated what reſolution was fitteſt to be taken. It was concluded, that two thouſand foure hundred foot, and foure hundred horſe ſhould be raiſed againſt them, and put into this order of marching: Firſt, Cornet *Pollard*, with thirty Horſe and forty Firelocks, as a Vantcurriers, and forlorne hope. Then the baggage belonging to the horſe

horſe. In the next place ſix Troops of horſe led by Sir *Tho. Lucas*, Comiſſary Generall for the Horſe in two diviſions. Then followed the baggage of the foot *Vieres*. Next Captain *Edmund Matthew*, the Lord *Fillon*, ſon to the Earle of *Roſcommon*, the Lord *Brabaſon*, ſonne to the Earle of *Meath*, Sir *Robert Farrer*, Collonell *John Barry*, Serjeant Major *John Oagle*, every one in the ſeverall ranks and orders. Then followed foure diviſions of foot, each conſiſting of three hundred. The Artillery and Ammunition followed. Then two Troops of horſe by Sir *Richard Greenvile*, after him Lievtenant *Devaher*. And the Lord *Ormund* marched in the reere. On the left hand there lay of the rebels, the Lord *Mountgarrat*, *Earle* of *Care*, and Colonell *Hugh Firne*: againſt them marched Sir *John Sherlocke*, Lieutenant Collonell of the Lord *Lambarts* regiment, Lievtenant Collonel *Loſius*, Serjeant Major *VVarren*, Serjant Maior *Pagett*, Seriant Maior *VVilloughby*, and encountred very ſharply with them, and ſlew three hundred and ſeventy rebels, and the reſt fled. They have taken *Waterford*, *Arkloo*, *Waſſford*, and ſome other Towns, but we hope to recover them very ſuddenly. And when more happy fortune, and convenient ſucceſſe ſhall be given us, I will tranſport the truth thereof unto you. In the meane time, I beſeech you to accept the affectionate love of,

From *Athy*, *May* 14. 1642.

Your moſt indulgent friend,

John Barry.

To the Kings moſt Excellent Maieſty:

The humble Petition of the Baronets, Eſquires, Miniſters, Gentlemen, Freeholders, and others peaceably affected in the County Palatine of *Lancaſter*.

Shewing to Your Sacred Majeſty,

OVr heart-breaking ſenſe and ſorrow for the unhappy Rents and Diſtractions in your Majeſties Dominions, eſpecially in the Seſsion of ſo grave and godly an Aſſembly, (moſt graciouſly conveened by Your Majeſty) endeavouring the glory of Almighty God in the Reformation of Religion, and the honour and weale of Your Majeſty, and Your Realms, in ſetling and ſecuring your Royall Throne in plenty & peace. But perceiving the long and remote diſtance of your Majeſty from that Honourable Aſſembly, to have diſtracted the hearts of your good Subjects, and animated the Popiſh and malignant party amongſt us, and feating it may expoſe us to the danger and fury of a forraigne foe, retard the ſetling of the weighty affaires in our Land, and the ſubduing of the Rebels in *Ireland*: and finding your Majeſties late reſolution for that expedition, to threaten danger to your Royall Perſon, farre more worth then ten thouſand of us.

We therefore your Majeſties moſt loyall Subjects out of our zeale to Gods true Religion, your Majeſties honour and ſafety, and the peace and welfare of your Dominions; and out of the deepe ſenſe and apprehenſion of our intereſt in the ſame, do in all humility preſent and proſtrate our ſelves, and ſupplication at your Royall feet, beſeeching your Majeſty to return to your great Councell (the repreſentative body of your Kingdome) in whom this Nation hath ſo farre confided, that they have intruſted them with their lives, liberties; and in which multitude of Counſellours there is health and ſtedfaſtneſſe, and whereby the Royall Throne may be eſtabliſhed in Righteouſneſſe, and we with the reſt of your Faithfull Subjects ſhall continually praiſe and pray for your proſperous and happy Raigne over us.

At the Court at York *the* 10. *of* May, 1642.

His Majeſtie hath expreſſely commanded me to give you this His *Anſwer* to your *Petition*.

THat this Petion, as ſome others of this nature is grounded upon miſ-information, and being grieved and highly offended to ſee how his good people have been, and are abuſed by the falſe rumors and intelligences, which have procured cauſleſſe feares and apprehenſions, referres the Petitioners to the Anſwers hee hath given to the Declaration preſented to Him at Newmarket, and to the Petition preſented to Him the 26. of March laſt at York, wherein His Majeſty ſaith, you will clearely perceive, that He is not gone but driven from his Parliament: His Majeſty likewiſe for your further information of His proceedings and intentions, recommends to your view and conſideration, His two Meſſages, and Declaration concerning Hull, and His Meſſage touching the Reaſons of His refuſall to grant the Militia, all which, when they ſhall be fully repreſented to the reſt of your County, He doubts not, but that you will reſt very well ſatisfied of His conſent and reſolution for the maintaining of, and governing His people by the Law of the Land, His unmoveable reſolution for the maintenance and defence of the true Proteſtant Profeſſion, and the ſuppreſſion of the barbarous Iriſh Rebellion, and His Majeſty ſaith, That he believes you may then finde reaſon to petition the Parliament to comply with his Majeſties juſt deſires, and gracious offers, which is the only way ſafely and ſpeedily to cure, the preſent diſtractions of this Kingdom, and with Gods bleſſing to put a happy end to the Iriſh rebellion: for the effecting whereof, as his Maieſty hath often ſaid, he will neither ſpare paines, nor decline any hazzard of his Perſon or fortune.

Edward Nicholas.

FINIS.

BOX 5

Truth & Innocency TRIUMPHING OVER Falſhood & Envy,

OR,

Jaſper Batts's Vindication againſt *William Roger*'s Un-chriſtian and Falſe *Inſinuations*, in his Book Miſ-called,

The Chriſtian Quaker, &c.

I Could the better have ſate down in ſilence under the *Unchriſtian*, and *Slanderous Inſinuations* in that Book caſt out againſt me, eſpecially when I conſider ſo many of the Lords antient and faithful Servants, by this *Adverſary*, are made my Companions herein: And alſo the *Darkneſs*, *Envy* and *Confuſion*, in the ſaid Book manifeſted; having alſo the evidence of the Lords ſpirit for my own *Innocency*.

But ſome neceſſity is upon me to Write, and give forth a few Lines in Anſwer thereunto, and confutation thereof; and ſo much the rather, becauſe its not ſo much **My Reputation**, as **Truth** it ſelf, that this *Adverſary* ſtrikes at; and therefore alſo willing to be a companion with my Brethren, in a Teſtimony againſt this wicked undertaking.

And this is my Teſtimony in general; That it is in its ſelf a *Work of Darkneſs*, and from the *Accuſer of the Brethren*, which muſt be caſt down for ever: And ſuch is the Blackneſs and Foulneſs thereof, That as yet, (though doubtleſs ſeveral were concerned in their purſes, to aſſiſt the bringing forth thereof) I have not heard of one particular perſon that owns the ſame: And am not without hope, that ſeveral of thoſe ſo concerned, may in time ſee their folly, and Repent thereof, as many others have done, who were beguiled by the ſame ſpirit.

And now, as to my own particular, wherein Truth is concerned with me; for this is that which is chiefly in my eye, to anſwer to in this Book *part* 2. *pages* 82, 89. he thus expreſſes himſelf: *Doubtleſs ſhould any man accuſe* Jaſper Batt (*one of thoſe that judged* John Story *and* John Wilkinſon *without hearing them ſpeak for themſelves*) *That he went about Preaching, thereby occaſioning ſomtimes Twenty Pound Fines, ſomtimes Forty Pound Fines, to be impoſed on the Hearers, and incourage them to be valiant for Truth, and to offer up all* (*whilſt his Eſtate was well ſecured out of the Perſecutors reach, or at leaſt nothing to be found of his own to pay ſuch his Fines*) *he would think* John Story *very ill imployed, to have a hand in giving forth a publick Teſtimony againſt him, to be read in all the monethly and quarterly Meetings in* England, *before he had either ſpoken or written to him to know what he could ſay for himſelf, that he might have opportunity to huſh it up by writing a Paper of Condemnation, if ſo be he were guilty.* [He farther ſaith] *We cannot believe that* Jaſper Batt *hath not done as bad as*

this

this in ſigning with the Sixty Six *at* E. Hooks's *Chamber; and if the caſe ſtated in his Name be not groundleſs, 'tis then notorouſly wicked.*

Thus plainly inſinuating, as if I had deſigned *Firſt, to ſecure my own Eſtate, and then Exhort others to give up* All *for Truth, and occaſioned ſuch to be fined as aboveſaid.* To which I Anſwer, this *Inſinuation* is *Un-Chriſtian*, being againſt the Rule that Chriſt gives, in caſe a *Brother Offends* which is; *Tell him his Fault between thee and him*, &c. Now this I affirm, that *W. R.* nor any other on his behalf, never did in the leaſt queſtion me, or expreſs to me any diſſatisfaction concerning me, touching what he thus inſinuates; which according to Chriſts Rule he ought to have done: And therefore his thus proceeding is Unchriſtian.

And this I farther teſtify in the Lords Preſence, (who knows that I lye not) that **I never diſpoſed of, or ſecured any part of my Eſtate, to avoyd the loſs thereof, for Truths Teſtimony; but have managed the ſame according to the Underſtanding the Lord hath given me for its ſervice.** For when I was firſt convinc'd of Truth, I ſoon received it in the love thereof, and gave up my ſelf and all I had to be ſerviceable therein; and being called by the Lord to ſpend near my whole time in its Service, the Lord in time ſo diſpoſed of my Condition, that I was neceſſitated, either to put off the management of the Eſtate which the Lord had given me, or give up my Teſtimony, as then required of me; that part of my Family being removed, that were any way capable to manage the ſame in my abſence, and intently waiting on the Lord for his Council, and adviſe with faithful Friends: I was fully ſatisfied (and ſo am to this Day) *that my place was to keep my publick Teſtimony, and let my Eſtate*; which I did accordingly, diſpoſing of part thereof to my Children, as becomes a Father to provide for his Family,

and this was done (the Lord knows) that I might be the more at liberty in the Lords Service; and as *Paul* adviſed *Timothy*, 2 *Tim* 2. 4. *He that goes a warfare, intangles not himſelf with the things of this Life, that he may pleaſe him who hath Choſen him to be his Souldier.* And farther, that this ordering of my *Affairs* was **not to avoyd Sufferings** on the *Act againſt Conventicles*, is the more Evident, becauſe **it was done a conſiderable time before that Act was made.**

And this alſo I farther teſtify, that it hath been my care and diligence, ſince the Lord called me into his ſervice, as on the one Hand, *not to run when he ſent me not*; ſo alſo, *not to neglect the Duty he required of me*: And this is my great Comfort to this day, whatever this Adverſary, or any other judges of me, I have walk't in the Simplicity of my Heart before the Lord, and have, and do enjoy the Teſtimony of his Love, and aſſiſtance of his Preſence, which is a large reward unto me; Glory to his Name for ever. And ſo this his *Inſinuation* is very *Falſe* and *Envious*.

W. R. ſpeaks of *giving out a Paper of Condemnation, for occaſioning others to be fined for my Preaching, and my Eſtate ſecured, and not to be found, as he inſinuates*, &c. I Anſwer, what would he have me Condemn? Is it the ſecuring my Eſtate from ſuffering? (**I never did it**) I am not guilty herein, therefore no Condemnation belongs to me for that: Or would he have me Condemn my Appearance publickly, with a Teſtimony for God, when the Lord requires, and moves? And draw into Holes, Corners, and under Hedges, as ſome of our Oppoſers have done. his plainly appears to be of that Spirit that would lay waſte all our *Meetings, and Extinguiſh the Doctrine and Life of Chriſtanity, that* would *juſtify* the *fearful* and *wicked*, and *condemn* the *Righteous*, which is an Abomination to the Lord: what Darkneſs and Confuſion doth this Spirit run into!

And

And whereas *W. R.* inſinuates, *my Fine to be laid upon others.* If I am Fined, or any other, for ſpeaking in the Name of the Lord, and others ſuffer on that Account, its well for me to anſwer the Lords requirings in ſpeaking, and for others alſo to frequent our Meetings; and ſo that Suffering being for well doing, ſhall not be without a Reward from the Lord: *For happy are ye when ye ſuffer for Righteouſneſs ſake*; and that were evil to diſobey the Lords Requirings, either in frequenting, or ſpeaking in Meetings, and is for Condemnation by the Truth, what ever *W. R's* judgment is of it.

That *J. Story* and *J. W. were judged without a Hearing*, is utterly falſe; they having been heard with Witneſſes face to face, at a Meeting where were preſent ſeveral of the Sixty Six mentioned: of which Meeting, and Proceedings, *W. R.* hath given a large Teſtimony of the Lords Peace amongſt them, and their great travel of Love and Life for *J. S.* and *J. W.* an Account whereof may be ſeen in Briſtol-Friends Anſwer to *W. R's* Book: at which Meeting, after hearing of all Parties, they were judged to have entertained a *wrong Spirit*; and for ſeveral other Offences againſt the Church of Chriſt, as by a Narrative thereof may appear. And from a Meeting in London, 1676. they were by many antient and faithful Brethren, adviſed, and warned in the Lords Name (as he then required) *not to offer their Gift, nor meddle in the publick Affairs of the Church, until ſatisfaction was given to the Church ſo offended:* which Advice and Warning was wholly rejected by them. And then at the Meeting at London, 1677. in Unity with the former Judgment given after Hearing of Witneſſes face to face, and their rejecting the Advice and Warning (aforeſaid) given them the year before, a Teſtimony was given againſt them by more than Sixty Six: ſo as to the things for which they were judged, and a Teſtimony given againſt them, they were fully